PENOLOGICAL and PREVENTIVE PRINCIPLES with Special Reference to EUROPE AND AMERICA

Elibron Classics

William Tallack

Penological

and

Preventive Principles

With Special Reference to

Europe and America

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PENOLOGICAL

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PREVENTIVE PRINCIPLES.

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PENOLOGICAL

AND

PREVENTIVE PRINCIPLES,

WITH SPECIAL REFERENCE TO

EUROPE AND AMERICA;

AND TO THE

DIMINUTION OF CRIME, PAUPERISM, AND INTEMPERANCE; TO PRISONS AND THEIR SUBSTITUTES, HABITUAL OFFENDERS, SENTENCES, NEGLECTED YOUTH, EDUCATION, POLICE, STATISTICS, ETC.

BY

WILLIAM TALLACK,

SECRETARY OF THE HOWARD ASSOCIATION, LONDON.

Author of "Defects of Criminal Administration" (1872); *"Malta under the Phœnicians, Knights, and English"* (1861); *"Humanity and Humanitarianism"* (1871); *Etc., Etc.*

"The lessening of the crime of a country is an object worthy of the best thoughts and the best efforts of our best men."—GENERAL BRINKERHOFF (U.S.A.)

"In order to deliver a country from offences, suppress, as far as possible, the *causes* of corruption."—M. F. L. HERBETTE (Prison Director, France.)

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TO

FRANCIS PEEK,

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AND

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Of Charlbury,

AS REPRESENTING THE COMMITTEE OF
THE HOWARD ASSOCIATION.

PREFACE.

THE familiar proverb "Who shall decide, when doctors disagree?" applies, with much force, to the complex questions involved in the treatment and prevention of Crime, and to the kindred difficulties in the diminution of Vice and Pauperism. The writer of the following pages has often had occasion to remember that proverb, when listening to the varying experiences and divergent opinions of practical men, whose prolonged official careers entitled the views of each of them to respectful consideration. And in many visits to Prisons, Reformatories, Workhouses, and other public Institutions, at home and abroad, he has observed a corresponding diversity in the modes of management. But notwithstanding such differences, both of opinion and of practice, there may be noticed a preponderance of experience in certain directions; and it is the special design of this book to render aid in the recognition of these converging lines and approximating conclusions.

Through the writer's position, as Secretary of the Howard Association,* for more than twenty years, he has been brought into connection, either personally or by correspondence, not only with the officers of penal and

* The HOWARD ASSOCIATION was instituted, in London, in 1866, for the Promotion of the best Methods of the Treatment and Prevention of Crime.

reformatory institutions, but also with many other authorities, in regard to the questions here considered.

The numerous references which he has made to the opinions of such persons, may be expected to possess some interest for thoughtful and practical minds. Amongst those from whom he has repeatedly derived help and instruction, he may gratefully mention Mr. T. Ll. Barwick Baker, Mr. Frederick Hill, Mr. Ex-Sheriff Watson, Sir Walter Crofton, Sir Joseph W. Pease, Bart., M.P., Professor W. N. Hancock, Mr. Francis Peek, Mr. Edmund Sturge, Mr. G. R. Vicars, and others in Great Britain, including many gentlemen in official positions, whom, for obvious reasons, it is not expedient to refer to by name; M. Illing, Dr. Föhring, M. Ekert, Dr. Ashrott, and M. von Holtzendorff, of Germany; M. Petersen, of Norway; M. de Olivekrona, of Sweden; M. Stuckenburg, of Denmark; M. Charles Lucas, M. Fernande Desportes, and M. Yvernès, of France; M. George Belinfante, of Holland; M. Beltrani Scalia, of Italy; Dr. Guillaume, of Switzerland; M. J. Stevens, M. Berden, Baron Lettenhove, and M. Prins, of Belgium; Dr. E. C. Wines, Dr. F. H. Wines, Mr. W. M. F. Round, General Brinkerhoff, Mr. J. W. Leeds, Mr. Z. R. Brockway, Professor Francis Wayland, Mr. Charles F. Coffin, Mr. G. F. Griffith, Mr. C. E. Felton, Mr. C. D. Randall, and Mr. W. P. Letchworth, of the United States; besides many others, at home and abroad. During the preparation and final revision of this book, the writer has also received many useful suggestions and much valuable assistance from his Wife.

As to Mr. Barwick Baker, in particular, again and again, during the past quarter of a century, has the author, by

letter or by interview, sought counsel from that judicious and practical observer, whose important services to the community were so unostentatiously and perseveringly rendered, throughout the course of his long life.

This book relates more to present and prospective requirements, and to principles of permanent validity, than to the history of systems and conditions now out of date. The author hopes that it will commend itself to the approval of persons who are practically engaged in efforts to diminish Crime, Vice, and Pauperism, for whose help and service it is chiefly designed. He is not acquainted with any other similar work which is so specially devoted to the exposition of *comprehensive and preventive principles*, as illustrated and supported by recent general experiences, on both sides of the Atlantic. The writer may further remark that he has earnestly endeavoured to exercise *impartiality*, in his treatment of the various vexed questions upon which he has entered.

He is quite aware that, on several points, he has ventured to differ from the views entertained by some persons of sincerely philanthropic intentions; but in these matters, the practical testimony of facts must constitute the final ground of decision.

Perhaps the frequent reference made, in this book, to the influence of Christianity, may be deemed irrelevant, by certain readers. The validity, or otherwise, of such an objection, depends upon the authority which, in matters of Penology and general Philanthropy, is to be attributed to the Gospel of the New Testament. This, in the opinion of the most successful leaders of beneficent effort, including John Howard and innumerable others, is not an incidental,

or secondary, but a primary one. To that fundamental principle, in particular, the writer has sought to render humble homage.

The Committee of the Howard Association have encouraged the preparation and issue of this work; but they must not be considered responsible for all its conclusions. Even these gentlemen have not always been able to arrive at absolute unanimity, in reference to some subjects connected with the treatment and prevention of crime. But the author believes that most of the following pages will meet with the approval of these, his esteemed friends and colleagues.

August, 1888.

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PENOLOGICAL AND PREVENTIVE PRINCIPLES.

Chapter I.

PRINCIPLES ESSENTIAL IN DIMINISHING CRIME AND PAUPERISM.

The First of these.

During many years of special attention to several social questions, the writer has been increasingly impressed with the importance of a few fundamental principles which are too often inadequately regarded, if not decidedly neglected. More particularly in connection with the efforts for the prevention, or diminution of Crime and Pauperism, it is observable that many persons, desirous of combating these evils, are impeded in their endeavours, through the absence of clear and definite bases of procedure. The claims and counsels which beset the path of the reformer are so various that, in the *first* place, constant vigilance is needful THAT THE PROPOSED MEANS OF RESTRICTING SOCIAL MALADIES DO NOT BECOME ENCOURAGEMENTS OF THE VERY EVILS TO BE REPRESSED.

That special condition of philanthropic success, the combination of a hard head with a warm heart, is essential for the discriminating selection of the right means for the attainment of requisite objects, and for the continual application of the rigid test of *final results.*

Pauperism and this Principle.

Thus, in regard to Pauperism, general experience still justifies a persevering reiteration of the simple but wholesome truism that if money, or other relief, be given, uncon-

ditionally, to mendicants or the needy, in such a way as to obviate motives to self-help, or to prevent exertion, more harm than good ensues, and the very spirit of pauperism is further developed and strengthened. It has often happened that benevolently intentioned persons have rendered themselves absolute nuisances to the parishes in which they reside, by their profuse bestowment of alms upon all the beggars who apply at their houses. They become attractive centres for laziness and imposture. Thus their neighbours suffer greatly from the vice and drunkenness produced by these unwise almoners. Not such was the true charity of St. Peter, who with strengthening help, and with the animating words, "Rise up and walk," enabled the lame man, at the gate of the Temple, thenceforth to exert himself. He infused real power into him, and removed the source of his impotence and inactivity. St. Peter's miraculous gifts are no longer available; but the principle and the lesson inculcated, remain. With few exceptions, habitual mendicants are vicious or criminal impostors. Investigation proves this in nineteen cases out of every twenty. But the public in general will not, or cannot, take the trouble of such investigation.

Vagrants often impudently proclaim their detestation of self-supporting industry. One of this tribe begged money of a lady, "to save him from something he very much dreaded." She gave him half-a-crown, and inquired, "Now, my poor fellow, what have I saved you from?" The answer was scoffingly returned, "From being obliged to go and work to-day." Another mendicant recently made reply to an offer of occupation, "No; not so long as I can get twelve shillings a day and a skinful, by begging; it's only fools and horses that work."

Excessive Resort to Institutions.

Not only is there a danger of frustrating the desired object by an unwise treatment of individual cases of men-

dicancy or distress, but a greater peril consists in the wholesale discouragement of self-exertion on the part of the destitute or indolent, as classes, by such mere impulsive relief, and by the relaxation of their natural responsibilities, as parents, in regard to their offspring, by similar spurious charity, producing really cruel injury on a larger scale.

There are many well-meaning persons and societies, especially in London, New York, and other cities, who are continually exclaiming, by their practice, "Look at these thousands and myriads of neglected children and destitute adults. Fellow Christians, build institutions for all these; pour out your money upon them more abundantly; offer them food, clothing, shelter, training, more willingly; invite and welcome them to share your generosity!" To a certain extent this liberality may be beneficial, but if carried out generally, it may become an influence working incalculable mischief, both to its objects and to the community. Even under the guise of "Christianity" it may foster a dishonest "Socialism," or selfishness. It weakens, at its very source, the sense of parental responsibility. It tends to remove the God-imposed duty of self-help and self-development from the poor. It actually impoverishes them by the very "gifts" thrust upon them; and, like the widening circles upon a pond into which a stone has been thrown, it extends its influence to surrounding myriads. The numerous improvident, intemperate, and selfish persons who will never do anything for themselves, which others can be induced to do for them, are thus increased in manifold degree. If professing Christians exclaim, "Bring your children in thousands to us, and we will place them in institutions at our expense, and relieve you of all responsibility;" of course the thousands are forthcoming, and tens of thousands more soon follow. Hence, we see some of the rapidly increasing burdens upon the taxation and the purses of Christendom, with a very dispropor-

tionate benefit even to the ultimate objects desired. The moral strengthening, or the development of personal ability is the primary essential of genuine charity; which being neglected, or weakened, certain failure results. As an able writer, Mr. L. COURTNEY, M.P., remarks, "The help which makes people helpless is worse than no help at all."

For example, in 1875, a "Children's Law" was enacted in NEW YORK, which authorised the magistrates to commit destitute children to the various private or public institutions of the district, and to order the payment of two dollars a-week, for each child, out of the taxes. And what was the actual result? In January, 1887, the United States "International Record" (edited by Dr. F. H. Wines), showed that this measure had been followed by a vast increase of such dependent children, far out of proportion to the increase of the population. The number of these wards of the State, rose in New York City, from about 8,000 in 1875, to nearly 14,000 in 1884. In 1887, there were about 18,000. So much for the mischievous effects of spurious "charity," the institution craze, and the foolish undertaking to remove from parents their natural responsibilities, instead of enforcing their better fulfilment. Even in Great Britain, it is a fact not to be necessarily assumed as satisfactory, that the children in certified INDUSTRIAL SCHOOLS (not including those in "Reformatories") have increased in a quarter of a century from 480 in 1861, to 20,668 in 1886. Their parents or friends have only paid about one shilling in the pound, on the average, towards their support.

It is surprising that the great young Republic of the New World has failed to profit by the social experience in this respect, of the old Continent. In a well-written exposition of the abuse of public Institutions, especially in California, issued in 1887, by Mr. EDMOND T. DOOLEY, Superintendent of the Boys' and Girls' Aid Society, of that State, he remarked: "The great cities of our Continent are

under the control of political 'bosses' and their grog-shop following. If we are not absolutely ruled by the criminal classes, the character of our political and social life is certainly very much modified by the baser elements of our people. Has not New York City alone suffered infinitely more from its Tweeds and 'boodle aldermen' than all that the old Colonies ever endured from English oppression?" This impartial American testimony is very noteworthy. Mr. Dooley also complained that, in California, the criminal and corrupt element had hitherto successfully checked the efforts put forth by the wiser minority of the people to obtain legislative reforms designed to bring about an effective and economical mode of dealing with the pauperism and crime which had so rapidly increased in that State. It was shown that out of every 1,000 children supported in Californian institutions, at the public expense, at least 600 should be cared for by their own parents and relatives, and further, that most of these establishments and also the prisons, were still increasing and perpetuating the evils they were ostensibly presumed to check. The consequence had ensued that the ratio of State-supported "dependent" children was more than twelve times greater in California than in Michigan, in proportion to the respective populations of the two States. The criminality of the former was also vastly greater than that of the latter.

For Michigan is a wiser State in reference to its treatment of pauperism. It aims primarily at prevention, and especially in regard to the young. It has taken under State control the really destitute children, in limited number, if free from crime and disease, in order to undergo two educational processes; firstly, a preparatory training in a public school, at Coldwater, for rather less than one year on the average; and, secondly, in a subsequent distribution amongst the farmers and cottagers all over the State. This is, in fact, a general process of boarding-out, or of systematically providing family instead of institu-

tional life for actually destitute children. The State retains its sole and absolute control over such young persons until twenty-one years of age, and also provides for the oversight and visitation of each one placed out. The result is that, during a recent period of years, the paupers in the poor-houses of Michigan only increased 20 per cent., whilst the general population increased 40 per cent.

Further it may be remarked, in this connection, that there is occasionally to be noticed in Refuges and Asylums for destitute children, a well-meant abundance of comforts, as in the dietary, furniture, pictures, and carpets. But even these apparently reasonable indulgences are not without their dangers. If too freely lavished, they tend to encourage parental improvidence and neglect. Because it is not real beneficence to render the condition of the children of idle, dishonest, and profligate parents more enviable than that of the offspring of the hard-working and virtuous poor of the vicinity. The privileges of the honest toilers should not be less than those of vicious people. It is not benevolence, but wasteful mischief, which so administers individual or public gifts, or institutions, as to discourage industry and perpetuate indolence amongst surrounding multitudes. The more that is given in such a way, the more there will have to be given, as the evil is increased.

And further, it is possible to inflict real injury upon the poor children themselves, who may be crowded into the artificial and dependent conditions of institutional, as distinguished from healthy family life, or training in ordinary separate self-exertion, with a more limited but a more judicious measure of assistance from without, when necessary. An American journal recently mentioned an incident not unsuggestive on this point. A little girl from a city home was invited to visit some friends in the country. In their garden she was delighted with a tame robin, that was a great favourite with the family.

But the child's interest in the bird made her exclaim, "Poor little robin! it has got no cage." She had no idea of thoroughly happy bird-life, apart from a cage. Similarly many good people appear to limit their views of juvenile training to mere institutional "cages."

The most liberally supported gratuitous Homes, Reformatories, Industrial Schools, Aid Societies, and Foundling Hospitals, if too extensively provided, for the purpose of taking neglected children off the hands of drunken, or vicious, or improvident parents, may become the very means of doing more harm than good, both to the children and parents. For, by the process of virtually rewarding parental neglect, that vice is of course encouraged and increased. Wherever practicable, the authorities should rather punish such parents, by fining or imprisoning them, or at least deprive them of all further control over their offspring, so as to prevent any future injury to the latter.

Spurious Charity, and at other People's Expense.

One of the great perils of the age consists in the tendency of universal, or almost universal, suffrage thus to increase pauperisation. For when even the most improvident or ignorant persons are in possession of votes, for all municipal and political purposes, of course they do not hesitate to use their share of power for ordering, so far as opportunity arises, grants of money out of the pockets of the industrious and steady portions of the community for the excess of such apparently harmless objects as free Schools, free Libraries, liberal Out-door Relief, free Dinners, and the free compliance with all manner of demands upon the purses of the tax and ratepayers. The national and local burdens thus being saddled upon the

respectable and thrifty classes, by the easy process of voting away other people's money, are becoming so heavy that they threaten to be intolerable at no distant date. The municipal and other local public debts of Great Britain already amount to nearly 200 million pounds. In England, America, and France, such indebtedness is being increased with appalling rapidity. Under the leadership of self-seeking statesmen and demagogues, some legislatures have, of late years, hastened to thrust the sceptre of popular government and expenditure into the hands of the ignorant and the incompetent. TENNYSON, although too pessimist in his lament over this folly, was by no means altogether unwarranted in his sarcastic lines :—

"You that woo the voices, tell them old Experience is a fool ;
Teach your flattered kings that only those who cannot read can rule ;
Tumble Nature heels o'er head, and, yelling with the yelling street,
Set the feet above the brain, and swear the brain is in the feet."

And in a similar connection, Mr. PERCY GREG has suggestively remarked, that "It is an essential condition of good government, that the ruling classes should suffer, and not gain, by an increase of taxation." Whereas, on the contrary, the powers of the various boards, bodies, and bands, elected by universal suffrage, are too often, and to an alarmingly increasing extent, used to promote selfish interests, directly or indirectly, and to the decided encouragement of pauperism and crime. Nor is it easy to see, or devise, an effectual remedy, *now*, for this state of things, beyond persevering efforts to warn and stimulate the plundered classes, namely the provident and respectable, to utilise such means of self-protection as may yet remain to them, in order at least to check, or delay, these pernicious exactions, on the part of the selfish, the unthrifty, and the idle. The latter are now seeking, in some countries at least, to secure the lion's share of political and municipal representation, without its just and necessary

responsibility of a share in taxation. It is, for example, being urged by certain agitators in England, that all incomes under £150 shall be free from all rates and taxes, whilst at the same time the multitudinous class to be thus privileged, are to exercise at will the power of indulging in large grants of money at home, or plunging into wars abroad, at the risk and expense of the other sections of the community! Such a claim is most unjust, selfish and tyrannical.

This Principle in Regard to the Essential Element of Non-attractiveness.

One of the most insidious, and at the same time, one of the most unwise modes of dealing with poverty and vagrancy, consists in the offer of relief, especially "out-door relief," under any such terms as to render the condition of the publicly-supported pauper an easier and more enviable one than that of the honest toiler. The argument is often raised, by ignorant speakers and writers, "Inasmuch as a pauper, inside a workhouse, costs, on the average, including the expense of the officers, and the outlay on buildings, from ten to fifteen shillings a week, or more, how much less burdensome to the community it would be, to allow such persons a payment of eight or ten shillings at their own homes." This specious plea overlooks the important fact that if relief could be generally obtained, on too easy terms, without the needful restraints and discipline of a non-attractive workhouse, the number of applicants would speedily increase in a manifold proportion. Or, for every thousand pounds now devoted to the maintenance of the public poor, five or ten times as much would be required from the rate-payers, in consequence of such extended and easy outdoor relief. It is, however, to be noted that in some instances, especially in America, even workhouses themselves have been rendered mischievously attractive to the lazy and improvident.

It is a primary principle, for the diminution of Paupers and Vagrants, that the board and lodging supplied to them by the community, shall be less comfortable on the whole than that of the ordinary labourer; and also that any work which may be done by them, shall be paid for at a decidedly lower rate than the average wages given by employers in the neighbourhood. Such a course is a simple practical essential. Any other plan is eventually found to be a costly mistake. The wise provision of the "HOUSE TEST" of the modern English Poor Law, has chiefly been based upon these lines; after prolonged and most extensive inquiry and experience. But it is a check which interested agitators and ignorant sentimentalists persistently oppose.

It has repeatedly occurred that when, in some season of special industrial depression, multitudes of persons have clamoured for relief, or for occupation on public works, and have been responded to by the offer of help, under wise conditions, and with due checks against laziness, the number of applicants has at once wonderfully diminished. In some of the largest towns in England, on such occasions, the local authorities have strictly confined their relief to offers of reception into the workhouse, with its discipline of classification, restraint, cleanliness, temperance and early rising. This condition, whilst furnishing a universally accessible refuge from starvation, has promptly sufficed to reduce the thousands of claimants to as many hundreds, or even scores. Again, in other cases, the demands for employment on public works have been granted, by finding occupation at road-making, stone-breaking, and other such industry, at a rate of wages sufficient to provide absolutely necessary sustenance, but with decidedly less than the average local pay for similar labour in the open market. This prudent course has also been found very efficacious in speedily reducing the ranks of the ostensible seekers for work. Yet even the "House Test" is sometimes

found to be insufficiently deterrent to the class of applicants for help, who are wilfully improvident, or drunken; but on the whole it has nevertheless worked very beneficially.

Vagrancy and this Principle.

As to the Vagrant class, in particular, it is necessary to discriminate, as far as possible, between genuine workmen travelling in search of employ, and idle vicious tramps; but it is often very difficult to distinguish between these two classes. Yet much may be done in this direction by employing the police as relieving officers. All vagrants, who can show that they are of honest and reputable character, should be provided at workhouses or other suitable public offices, with prompt relief in the form of bread, warmth, and lodging, and without any imposition of task-work or virtual penalty. But, on the other hand, those who are evidently mere habitual beggars are best treated by being sent to jail; and not for too short terms. Professor Wayland remarks, that in Connecticut, the vagrant class have been treated with less leniency than is usually the case in America. He adds, "This State sends its tramps to prison, where they are dressed in convict garb, and work as felons. Their sentences are from four to eight months. The result has been phenomenally good."

But it is of special importance, everywhere to remember, that for every hundred vagrants who resort to the Police or Workhouse-wards for relief, nearly a thousand others avoid these, and rely entirely on the too easy good nature and gullibility of the public, especially of poor and solitary women, whom they can frighten into almsgiving. A veteran tramp, in Dorsetshire, remarked that, in his twenty-one years' life of beggary, he had not visited relief-wards twenty times. This is typical of the class. They constitute a very heavy and costly tax upon the public, and especially upon the industrious poor. People in

general cannot and will not, and indeed ought not, wholly to harden their hearts against applications for help from the helpless. But if they become convinced that real helplessness is effectually provided against by the authorities and by the poor laws, then, and then only, there may follow a material diminution of that indiscriminate voluntary almsgiving which has always been the chief and most unconquerable source of vagrancy. It should be generally known and felt that measures are effectually provided by the local authorities everywhere for dealing promptly with *every* applicant for alms, by rendering necessary aid to the honest and merely unfortunate wanderer, and by taking into custody the wilfully lazy or habitual tramp. That wisely practical philanthropist, the late EDWARD DENISON, M.P., after a most careful study of this subject, arrived at this conclusion, that Mendicancy and Vagrancy can only be diminished in proportion as the general community become satisfied that systematic arrangements are everywhere organised for a *prompt* supply to *each* applicant, without exception, of such food or other help, or such investigation, or such wholesome correction and penal disposal, as he or she may require.

It is, however, noteworthy in this connection that the extended efforts recently made in various parts of Germany to deal with every case of vagrancy by the offer of some mode of assistance have not appeared to render the surrounding population much wiser than before in their procedure in regard to tramps and beggars, who still largely victimise the public. In this particular, police stringency is more reliable than popular wisdom.

Some years ago, at Sydenham and Blackheath, near London, a great diminution of beggars was effected, for a considerable period, by a regular distribution of relief tickets, accompanied by a rigorous enforcement of the law against mendicancy. The unfortunate were promptly helped; the loafers were summarily punished. This course

was popular and successful. But after a time, some of the local magistrates relaxed their strictness in carrying out the law against the habitual beggars, and the public manifested reluctance to appear as prosecutors or witnesses. This being continued, the police became discouraged, and the previously effectual local arrangement ceased to have any special utility. But so long as the penal laws against mendicants were enforced, much benefit resulted.

True "Giving" is not Taking Away.

The Scriptural injunction, "Give to him that asketh thee," should always be interpreted and acted upon in connection with common sense and with other Biblical precepts, such as "Blessed is he that *considereth* the poor," and "If any will not labour, neither should he eat." For the indolence of mere inconsiderate alms, especially when bestowed on an habitual applicant, does not really "give." On the contrary, it *takes away* his incentives to industry and self-help. It is worse than useless; it inflicts cruel injury, whereas true charity ever seeks to impart some moral aid, some encouragement to exertion and elevation. Private benevolence can always find abundant objects for its exercise in the relief of the sick, the maimed, the blind, the orphans and other similar legitimate claimants. But the unknown, or the apparently professional mendicants, are best dealt with by official organisation in each locality. And it is a material aid to both the private and the official dealing with destitution, to adopt, as far as possible, the principle also of the *sub-division of districts,* as strongly recommended by Dr. Chalmers and others.

In France much good has been afforded by a large Christian organisation, founded by M. F. Ozanam, for the extension, especially, of "*l'aumone de la direction.*" The Home Missions of the Unitarians in Boston, U.S., London, Liverpool, Manchester, and other cities, under the guidance of such excellent men as Dr. Tuckerman, the Rathbones, the

Herfords, Mr. Corkran, and others, have exemplified much practical wisdom. In GERMANY the system of a minutely distributed and elaborately organised semi-official visitation of the poor, as at Elberfeld, Hamburg, and other cities, has had some very good effects, though decidedly lacking in the ever-essential feature of a merciful non-attractiveness in regard to the vicious, lazy, and thriftless. In Germany, also, of late years, some diminution of Pauperism and Vagrancy has resulted from the establishment, by M. VON BODELSCHWINGH and many other philanthropists, of about a score of "ARBEITER-COLONIEN," or Labour Colonies, and also of more than a thousand "HERBERGEN," or Shelters and Lodgings, for the *discriminating* reception of wanderers and tramps.

The Christian Church and Christian work are, after all, the greatest instruments of real charity, and comparatively little can be done without them. The moral restraints, the abiding and grateful love to the Redeemer, which are afforded by Christianity, are the highest aids to beneficence. When the Apostle, himself destitute of silver or gold, said to the beggar, "In the name of Jesus Christ, of Nazareth, rise up and walk," he manifested the best combination of assistance, namely, Divine help, fellow-help, and stimulus to self-help. It is always the largest charity which unites the three. Our Saviour, who went about doing good, mainly manifested His beneficence by such modes, and especially by removing the hindrances to self-help, as by giving sight to the blind, by healing the diseased, and by restoring the cripples and the paralytic. Similarly, the best modern charity enables the poor to "rise up," by removing the degrading influences of insanitary conditions, overcrowded dwellings, bad drainage, ignorance, and extreme temptations to intemperance and other vices.

Efficient help to a poor person consists in such modes of benevolence as may be comparable to placing a staff in his hand, rather than a crutch under his arm, to cause him to

lean idly on for external support. The Dutch people, in various ways, exemplify a willingness to hand a temporary staff to the poor; but none are more judiciously jealous of providing permanent "crutches" for this class. Hence, in Holland, where the benevolence of the Churches is specially facilitated by the State, pauperism has been more effectually kept within bounds than perhaps in any other country.

But there is *no panacea* for diminishing Pauperism. It must be dealt with in a variety of ways, and with many modes of patient adaptation of means to end. The Scriptural motto, "Here a little and there a little," is eminently characteristic of the process and its modes. Apparently *indirect* means of diminishing pauperism are often incomparably more effectual than other forms of assistance. They tend to relieve present necessities, and also to obviate their recurrence. And this latter point is of immense importance. For if it is desired to empty a cistern, where there is a steady inflow, the cessation of that supply must somehow be first effected.

Most instructive are the following words by a Northamptonshire Rector, the Rev. W. BURY:—"The parson who establishes a co-operative store in a country village has done more for his parish than if he had spent all his living in 'charity' so-called. Good and pleasant cottages, at fair and not fictitiously low rents, are more improving and really helpful than miles of flannel and rivers of soup and wine. Sanitary and Education Acts, properly administered, advance the interests of the poor a thousandfold more than the good intentions of 'pious founders,' however piously carried out. There can be no manner of doubt that the better administration of Poor Law relief, in the Union to which I belong, by means of which the proportion of paupers to population has been reduced from 1 in 12 to 1 in 60, has done more for the labourer in ten years' time than all the charities, coal clubs, doles and almsgiving

which have flowed for centuries from all the Halls and Rectories within the district."

Prisons and the Operation of this Principle.

The same general principle of removing inducements to evil from agencies ostensibly meant to prevent it, is also eminently necessary in regard to Prisons. If their discipline is rendered lax and indulgent, then the objects proposed are missed. Violence and fraud are encouraged, evil-doers are not intimidated, and cruel injuries to the weak and unprotected are abundantly occasioned through a neglect of the severity necessary for repression.

Hence there is a certain sense in which some of those prisons which are sometimes styled the "best" may be really the worst, in so far as the main objects of imprisonment are concerned. For instance, it was remarked by an officer of great observation, that the now abandoned prison-farm of Lusk, near Dublin, was rendered so agreeable to the inmates that, on the expiration of their terms, "they almost had to be kicked out." The writer of this book was once at Lusk, when a resident in the neighbourhood spoke to him of the total absence of walls and high hedges, and said, "The convicts are better off in there than they would be outside, so they do not care to escape." Again, some of the inmates of a greatly praised Refuge for criminal women were found to be very unwilling to leave it; and this was made a matter for boasting by the Superintendent. Also at a female convict establishment near London, and at the Indianapolis State prison for women (which was considered to be a model establishment of the kind in America), such remarks as these have often been heard from the prisoners—"Yes, ma'am, I'm very comfortable here; very comfortable indeed. Quite contented here." But ought it ever to be the case that any criminal should feel perfectly contented with prison life?

Failure especially ensues, if prisoners are associated in pleasant but corrupting companionship, in their workshops, or in mutually contaminating gangs in the open air. Prison life being thus divested of most of its rigour, evil is increased and perpetuated. Temptation is intensified. Reformation is prevented.

A Second Essential.

A second important principle for diminishing pauperism and crime is THE NECESSITY OF AVOIDING THE DIVORCE OF ELEMENTS WHICH SHOULD ALWAYS BE HELD IN UNION.

Especially in relation to criminals, the threefold combination of Prevention, Repression and Reformation, needs to be maintained in unintermitting activity.

So far as the treatment of crime is concerned, there is probably no country in the world which has so successfully sought to secure this tri-unity as Great Britain, especially of late years; although it is not for a moment to be assumed that she has attained perfection. But she has set an honourable example of efforts to prevent crime, by greatly-increased popular Evangelisation on the part of all the Churches, and especially by such extremely valuable organisations as the London City Mission and many other similar bodies; also by elaborate systems of Education, both denominational and secular, together with various arrangements designed for the rescue and training of neglected or vicious youth; whilst, for Repression, she has also done much to infuse a moderate but merciful severity into her prison system. And for Reformation, she has, both by State and private benevolence, encouraged the supplementary, or rather complementary, operations of Discharged Prisoners' Aid Societies and of a vigilant and wisely administered Supervision of conditionally-released

convicts. As a consequence, there has been, of late years, a marked diminution of various crimes in Great Britain.

But in most countries one or another element of the triad in question has been practically neglected. For example, in the northern United States considerable and partially-successful efforts, at least in certain localities, have been made to prevent crime by extensive efforts at popular evangelisation. Much good has thus resulted, but the benefit would have been greatly increased if these labours had had the collateral assistance of a more rigorous repression of wilful and brutal offenders. But the latter essential has, for the most part, been absent. In the Southern States the crime of murder has been exceedingly prevalent. The gallows and lynch-law have both been called into requisition with frequency, but the main and obvious element of prevention has been practically ignored, inasmuch as the frequent carrying of arms, such as the pistol and bowie-knife, by private persons, has been permitted, or approved by popular custom. Italy and Spain have had the same failure, as to the non-prevention of murders, and from a similar cause.

In Belgium a uniform and largely efficient system of cellular prison discipline has been established. Yet the prevention of crime *before* imprisonment, and the oversight of discharged prisoners, have both been, in too considerable degree, neglected. Hence, an undue proportion of relapses and re-convictions has resulted. Drunkenness also and vice have been increased, until very recently, by their excessive encouragement in that Kingdom. But it is gratifying to find that some wise efforts at reform are now being made by the Belgian people.

Holland, Switzerland, and Scandinavia have, like Great Britain, though in less degree, devoted much attention to the above triad, and with considerable success. Few other nations have consistently cultivated these three elements

in active collateral development. Their systems rather resemble unfinished and unroofed edifices.

Not only each of the above-named three essentials, but especially the first in order, Prevention, needs to be increasingly regarded. Attempts at Repression by deterrence only, by mere penalty or imprisonment, have often received an exaggerated amount of reliance. An efficient and vigilant Police establishment, together with like agencies, has done more, in Great Britain for example, to check the horse-stealings, highway robberies, and other numerous crimes formerly punished with death, than all the gibbets and gallows of those times.

Similarly, as to Red Republicanism, Nihilism, and other forms of anarchy, the wise freedom of Great Britain, America, Holland and Scandinavia, has been much more efficacious and preventive than the guillotine, or the dungeons, of other lands.

Prevention, Repression, Reformation—these have ever to be simultaneously maintained, and especially the first, in active vigour and with comprehensive application.

As to PREVENTION it has various departments, all requiring collateral vigilance. Such are the diminution of Intemperance, of Over-crowding, of Ignorance, of Idleness, and of Ungodliness. How very limited must be the efficacy of mere repression, or punishment, amongst the squalid multitudes of over-crowded Naples, or the uneducated masses and infidel or superstitious populations of large districts in various countries? The axe must be laid to the *roots* of the tree of evil. The streams of vice must be cleansed at their *sources*. The outbreaks of violence, or the external manifestations of crime and sin, need to be checked at the centres of vitality, and in the very inmost motives of their activity. Otherwise failure is certain to ensue.

In proportion as any of these essential elements of safety and progress are neglected, the whole social system suffers. The strength of a chain is measured by that of each

separate link, or even of the weakest one. In like manner, the absence of any one important reform or precaution, mischievously restricts the good efforts already put forth in other departments. The activity of each has to be maintained, and the divorce of one from the other avoided.

Whilst the element of Repression, or Deterrence, is, in its due place and proportion, an indispensable condition for safety, it is of great importance to remember, in practice, that it is a minor influence in comparison with PREVENTION. Not only is the latter proverbially better than cure, but it is also greatly superior to forcible repression. And whilst it would be both untrue and unwise to assert that "Force is no remedy" for social evils, it should only be regarded as a minor and altogether subordinate auxiliary for their diminution. Yet one of the greatest hindrances to the deliverance of modern communities from two of the most pernicious maladies with which they are plagued—namely, PROSTITUTION and INTEMPERANCE—consists in the greatly exaggerated estimate of the power of mere force, as a means of prevention, which is entertained by many philanthropic leaders of opinion.

PROSTITUTION AND PREVENTION.

It would appear that more than a few of the professed advocates of public morality have the least faith in the power of moral suasion, if one may judge by their clamour for the enforcement of social virtue, mainly by the help of Police, Penalties, and Prisons. As to prostitution, for example, many persons seek to deal with it chiefly by driving the unfortunate women "from pillar to post," and by urging the police to keep them moving on, and to shut up their lodgings. In Berlin this kind of policy has been carried out with special rigour. Thousands of wretched girls have been locked up; many of them have been re-arrested repeatedly, and brothels have been suppressed by

the score. And with what result? With this: that Berlin remains one of the most immoral cities in Europe,—a place where prostitution is, perhaps, more generally diffused amongst the households, and scattered over the whole town and suburbs, than almost anywhere else. And for the very simple and sufficient reason that the causes and sources of this vice have there been left comparatively untouched. The more effectual work of dealing with these deep roots of the evil, however, requires much patience and distributive individual labour—exertions which some denouncers of vice find it easy and agreeable to shrink from or neglect. It is as impossible for any police to suppress or extinguish vice, by mere force, as it is for a quack doctor to cure leprosy by covering the diseased limbs with sticking plaister.

Even the good work of ASYLUMS and REFUGES does not materially affect the roots and sources of Prostitution. These institutions may be multiplied indefinitely, whilst at the same time the vast evil itself may be developing in a greater ratio than ever. Again, it does not appear that any diminution of sexual immorality has resulted in consequence of the great expenditure of money and effort devoted by some benevolent persons in recent years, in England, in order to abolish the "CONTAGIOUS DISEASES ACT." The movement in question was a superficial and not a radically preventive one.

The effectual means for the diminution of Prostitution must be looked for only in the *restriction of its chief causes;* namely in the discouragement of Intemperance, which is in itself so fruitful a source of vice; in the improvement of the dwellings of the poor—because overcrowded tenements foster the grossest impurity and even incest; in the extension of industrial training amongst girls; and in the reduction of the vast European standing armies of mostly unmarried men, whose presence in towns and barracks necessarily involves a fearful stimulus to

female ruin and degradation; whilst, at the same time, these armed hosts withdraw from millions of women their natural protectors and bread-winners. In their turn, these great armies can only be dispensed with, in proportion as statesmen and the peoples are willing to devise means for the more systematic application of International Law and Arbitration to the settlement of disputes, rather than by the sword or brute force. And yet further, Prostitution needs for its prevention every possible extension of Religion, and of the inducements to purity and godliness furnished by the hopes and fears of the Gospel of Christ as preached in its reasonableness and attractiveness. To render men and women indisposed to this and other forms of evil, their *hearts* must be reached, by the love and reverence of God, and by the "powers of the world to come." And, in short, the work of promoting social purity must always, and chiefly, be based upon a practical recognition of the fundamental truth of that admirable motto of the American theologian, Dr. HORACE BUSHNELL:—"The soul of all improvement is the improvement of the *soul*."

INTEMPERANCE AND FORCE.

Similarly, as to the huge evil of Intemperance, mere force is, and always must be, but a very partial and subordinate means for its prevention. And so it has been found in connection with the attempts at its restriction mainly by means of total Legal Prohibition. In some of the United States where this compulsory suppression of the Liquor Traffic has been the chief aim and effort of well-intentioned philanthropists, the result has been—firstly, that in many places neither the public nor even the police can be relied upon to enforce such a law; and, secondly,—and this is still more noteworthy—that in proportion as literal enforcement has been secured, there has been, in general, a collateral eva-

sion of the spirit of the law by the establishment of a large and increasing number of private drinking clubs.

In 1888, in the prohibition State of RHODE ISLAND, the "Providence Journal" published statistics showing that there were then 125 more houses in that city for the sale of liquor than under the previous law of license regulation. And in the summer of 1887, a New York journal—*The Voice*—edited in the interests of the prohibition party, published, amongst other similar letters, a communication from a teetotal lecturer, the Rev. ALONZO F. ABBOTT, of Poughkeepsie, N. Y., describing the disappointment and disgust which he had felt, during a recent journey through Maine, where he found a large amount of drunkenness fostered by wide-spread and popular evasions of the "Prohibitory Law." In one town in that State he observed more than 200 private drinking clubs. These houses are locally named "Reform Clubs," and Mr. Abbott stated that they were very common in Vermont, New Hampshire, and Maine, each of which States has a "Prohibitory Law." He added these suggestive words: "If any Prohibitionist who has been accustomed to look to the State of Maine as the Mecca and perfection of Prohibitory legislation, should visit that State and examine the condition of some of its principal cities, he would be as painfully disappointed as was the great German Reformer, on the occasion of his famous visit to Rome. Instead of communities, in which the use of intoxicating liquor, with its frightful effects, is unknown, he would see quite as much drunkenness on the streets, and find fully as many dramshops as he would in other parts of the country." This, it is to be noted, was a testimony borne in a leading Prohibitionist paper in America. And it is but one amongst many others of similar import.

Even the most eminent American Prohibitionist, General NEAL DOW, admitted in 1888, in a letter to the *Independent*

newspaper (U.S.), that in Portland, Maine, there were some fifty "low dens" for the sale of liquor.

And further, it is also complained, in America, in the interest of Teetotalism, that the Prohibition movement has seriously injured and delayed the progress of Temperance by largely absorbing or even discouraging philanthropic energies which otherwise might have been directed with much more success to the practical diminution of drunkenness by means of moral suasion, and of efforts to supply cheap and good non-alcoholic refreshments, and various counter-attractions in place of the gin and whisky shops.

In 1888 the English Foreign Office issued a report of inquiries instituted at the BRITISH EMBASSY, at Washington, U.S., in reference to the operation and effects of American Prohibitory Legislation. The general conclusion arrived at through these official investigations, was that Prohibition has decidedly failed to attain its proposed objects; whilst efforts for the restriction or regulation of the Liquor Traffic by means of "HIGH LICENSE" or very heavy taxation of the vendors had been comparatively successful.

It is not to be denied that, in a few towns and villages in America and Europe, such as for example Pullman, near Chicago, and Bessbrook in Ireland, where, through the power of philanthropic landlords, or other exceptional influences, the sale of alcohol has been totally prevented, very great good has resulted. And if circumstances, or public opinion, more generally permitted this condition of things, the ensuing benefits would be immense. Just as if all men could be converted into saints, the consequences would be unspeakably satisfactory. But human nature being what it is, the communities in general, who are not morally convinced of the value of teetotalism, will not suffer themselves to be compelled by law to abstain; and if the attempt is made they will certainly devise means for the effectual evasion of such law. But when, on the other

hand, they become persuaded to disuse alcohol, there is little or no necessity for prohibition. And even where Prohibition has been secured for a time, or in part, it always depends for its first success, and wholly for its subsequent maintenance, upon the amount of moral suasion independently exerted. Thus, in KANSAS, where total abstinence is widely popular, the prohibition of the liquor traffic appears to be also popular; and it is there exceptionally effective.

MORAL SUASION, LICENSE REGULATION, AND COUNTER ATTRACTIONS.

It is then upon Moral Suasion and License Regulation, rather than total suppression, and also upon counter attractions, that the great work of diminishing drunkenness can alone be safely based. The efficiency of Law and of Force in relation to this question may be best secured by *limiting*, as far as may be *popularly* possible, *the number* of public-houses in proportion to the population; in *imposing* a very *heavy taxation* upon them; in making *all debts for retailed liquor irrecoverable* by law; in restricting licenses to the *actual vendors resident* upon the premises, and not granting them to the premises practically in perpetuity; and in making it an offence severely punishable to sell liquors to *very young persons*. The principle should be secured, of "*one man one license;*" that is to say, no person should be permitted to own or hold more than one house where alcohol may be sold. It is through such reasonable and comparatively practical means as these that the powers of compulsion may be safely applied to restrain, *as far as can be popularly done*, the excessive supply of intoxicating drinks.

The liquor traffic mainly depends upon the public rather than the publicans. Until the former are persuaded and willing to restrict their own use, or abuse, of alcohol, they

will certainly secure publicans to serve them. The latter are then sure to be found; if not in one way, then in another. It is a truism that the demand must be primarily influenced. Then the supply will be also modified. But it is radically unwise to direct attention primarily to the secondary agents, rather than to their masters, the sovereign public. NORWAY, which was formerly one of the most drunken countries in Europe, has of late years become an exemplary temperate nation, or at least comparatively so. The reason is that the sale of alcohol, and the proportion of its vendors, have been placed under the control of the actual general wish of the population in each district.

In Great Britain, of late years, much progress in promoting temperance has been made by the happy combination of personal example, moral suasion, and an increasing provision (especially upon a profitable and self-supporting basis) of establishments for the sale of non-alcoholic refreshments of good and attractive quality, as distinguished from the slops and rubbish which used to characterise the commissariat department of many, if not most, of the "Temperance Hotels."

But even in England, so far as mere Prohibitory Law has been approximately called into action, it has already developed a most pernicious form of evasion. For just in proportion as legislation has attempted the intrinsically excellent object of the prevention of the sale of alcohol, during Sundays and after certain hours at night, there have simultaneously started into existence thousands of PRIVATE DRINKING CLUBS, where, without the regulations and police supervision imposed upon ordinary inns, intoxicating liquors may be indulged in without stint all day and all night throughout the week. Some of these "clubs" are quiet and orderly; but unquestionably many of them are pests to the neighbourhood. A Middlesex magistrate recently described one of them as a "den of thieves." There is nothing to prevent many of them from

becoming the haunts of the vilest men and women. For instance, at a certain Midland town, recently, a policeman in plain clothes, as a private visitor to one of these houses, witnessed in the back premises, a series of acts of the grossest immorality. On the other hand, clubs where (as in the case of a very successful and useful one for working Jews and Jewesses, in East London) the sale of alcoholic liquors has been prohibited by the managers, have become very helpful institutions to the happiness and prosperity of the classes for whom they were established.

Mere legal Prohibition of the Liquor Traffic in its totality tends to defeat its own object, through its encouragements to political and personal dishonesty. And in this way, as to political dishonesty. It has happened again and again in America, that certain parties, or cliques, have thus bargained with the Prohibitionists, "If you will vote for our men, or for our place-hunters, we will vote in turn for Prohibition." When such agreements have been accepted, and some sort of Prohibition measure carried, in consequence, by nominal "Law," the thousands who voted, merely on party grounds, have, either willingly or from sheer indifference, supported the wholesale evasion and virtual nullification of the legislation in which they had previously acquiesced. But such action always has been, and always will be, fatal to the power of law. What is likely to be the popular respect for, or obedience to "Prohibition" law, when the very constables or police appointed to enforce it, are known freely to indulge in alcohol, and to carry about bottles of spirits with them? But this appears to be the case in various places in America. Even Sir Wilfrid Lawson adduced, in Parliament, in 1888, as an illustration of innumerable other American "Prohibitionists," a certain New Englander, who, in answer to a question, replied, "Yes, I'm in favour of the Maine Liquor Law; but I'm against its enforcement!"

The danger of personal dishonesty, or at least of gross

inconsistency, results from the tendency of Prohibitionists, on both sides of the Atlantic, to enlist in their ranks, as adherents, individuals who, without being abstainers themselves from alcohol, clamour for legal powers and penalties to compel others to become such. Even the great "United Kingdom Alliance for the Total Suppression of the Liquor Traffic," receives into its membership people who are not teetotallers, but who demand to be, by law, permitted to prohibit others from drinking liquors which they themselves enjoy and refuse to relinquish! What can be said for the consistency of such persons?

In regard to all great moral Reforms, it needs to be repeated:—Force is but a very subordinate remedy at the best. The law is weak in comparison with the power of the Churches, and the personal example and work of their individual labourers, and a chief reliance on preventive rather than repressive influences. The conditions of advancement in all good movements must still, for the most part, be characterised by the heart-reaching, and often gradual, action of "the Kingdom and patience of Jesus Christ." Empirics may point to other modes, but this grand ancient basis of true progress must again and again be returned to. To "overcome evil with good" must always involve, for its chief lines of operation, a recourse to moral and spiritual, rather than to physical, constraints and restraints.

Hope and Fear.

A sacred precept ordains, "What God hath joined together let not man put asunder." This may further be accepted in its relation to the necessity of arrangements, in social and penal systems, for the simultaneous double influence of HOPE and FEAR, of REWARD and PUNISHMENT. But how often, and how generally, have the elements of hope and reward been neglected, whilst the powers of fear

and punishment, valuable as they are, have been too exclusively relied on. Here, again, the avoidance of such divorce needs strict practical regard. The penal systems of Bentham, Maconochie, Barwick Baker, Crofton, Obermaier, Rumford, Brockway, Brinkerhof and others, were by no means perfect. But they attained a certain measure of special success, in so far as they gave prominence to the animating forces of reward and hope. In the old fable of the contending wind and sunshine, the warm and genial glow of the latter was found to be much more powerful than the chill violence of the former. Yet, in their respective provinces, both sunshine and wind, as also rewards and punishments, are each necessary.

State and Individual Action.

Another pair of co-ordinate activities which should not be divorced, are those of central and local, of State and individual, energy. There is a work for each, which neither, alone, can perform, but which is essential for the community. The main function of the State is to protect and facilitate individual well-doing. Beyond this, its interference is often mischievous. In view of the terrible wars, persecutions, murders, jobbery and waste, which, in almost every age, have characterized Governments, it is obvious that State-action may be as potent for evil as for good. Whereas the influences of religion and morality have, at all periods, mainly flowed upon the world through individual action; through the Prophet, the Preacher, the Philanthropist, the Author, the Philosopher, acting either one by one, or in voluntary union, and more often effecting their reforms in spite of the opposition of the State, than by its encouragement. For example, in regard to improvements in Prison Discipline in particular, the chief impulses have originated, in noteworthy degree, with private individuals, such as John Howard, Sarah Martin, Elizabeth Fry, Sir

Fowell Buxton, Dr. Wichern, Thomas Eddy, Jeremy Bentham, and many other good men and women, whose influence has stimulated official and legislative activity.

There is a peculiar and *almost inevitable tendency to indolence and inertia in State functionaries as such,* unless stimulated by the constant vigilance and criticism of the public and by private rivalry. The temptation is extreme, on the part of Government officials in every land, just to enjoy their honours and draw their salaries, with as little exertion as possible, outside the easy beaten tracks and the grooves of precedent.

On the other hand, the best intentioned efforts of individual and merely local reformers, are apt to remain imperfect, or unsystematic, for want of that regulating assistance and encouragement, which it is in the special power of the State, or central Government to furnish.

Individual efforts must necessarily be slow and gradual in their operation. Hence they are apt to be unduly despised and under-estimated by the public, who, in their impatience, cry out for the more hasty action of Governments. But it has been repeatedly observed that as the Lord Jesus Christ sent out His disciples, two and two, on foot, to discharge their mission in humble perseverance, so, in all subsequent ages, the great bulk and mass of philanthropic, or religious work, has had to be wrought out, in similarly patient detail, and as at a footpace. Nevertheless, great results have followed the aggregate of such efforts; works often comparable, in magnitude, to the vast coral reefs, wrought, grain by grain, by the patient insects of the deep. The powers of States and Governments are but weak, for the accomplishment of those universally essential moral reforms which require, for their success, the persistent labour of individual effort and personal virtues.

Physical force can check, or temporarily restrain, various forms of evil; but sometimes at the cost of rendering them still more intense and permanent. It is the force of gentle-

ness, of patience, of persuasion and of religion, which can radically destroy wicked dispositions and feelings. But this is by far the more arduous work.

A Third Great Principle.

Thirdly, AN EVER VIGILANT HESITATION AS TO THE ACCEPTANCE OF FASHIONABLE DOGMAS OR POPULAR CONCLUSIONS, IS REQUISITE.

The *Vox populi* is by no means necessarily, the *Vox Dei*, in philanthropic and penal matters, any more than in general politics. Sometimes it is the very reverse. Neither are the ideas in favour amongst fashionable and influential circles, therefore infallible. Nor does truth necessarily dwell amongst majorities; on the contrary, it is often to be found on the side of unpopular minorities.

As Dante says:—

> "Full often bends,
> Current opinion in the false direction,
> And then the feelings bind the intellect."

Modern experience has proved that republics and democratic majorities are just as ready as arbitrary kings, to rush into foolish wars, or to insist upon unwise legislation, to the detriment of the community.

The jocular monarch, Charles II. of England, is said to have propounded, with apparent seriousness, before the philosophers of the "Royal Society," the question, "Why is it that a dead fish is heavier than a living one?" Some of the loyal sages, hastily assuming that a monarch's dictum, even on science, must be true, adduced various reasons which appeared to them to afford a solution of the difficulty. At length a shrewder thinker quietly asked, "But is it actually the case, your Majesty, that a dead fish is the heavier?" "Ah, my friend," replied the king, "now you are on the right track." Similarly, both current

popular assumptions, and also Ministerial or Parliamentary Statements, and especially the statistical reports emanating from Governments and State Departments, should always be critically examined, if the attainment of truth is desired; for even these are often apt to mislead.

There are various widely accepted conclusions which only need real investigation, in order to prove their unwisdom: as, for instance, the too generally supported axiom that mere secular instruction mainly constitutes Education. There is no doubt but that Education, in its true meaning, as including especially the patient training to habits, not only of study, but also of industry, of morality, and of godliness, is a most essential and efficient means of promoting the happiness of the people, and preventing vice, crime and pauperism. But mere instruction in reading, writing, arithmetic and so forth, if unaccompanied by due attention to the other constituent parts of education, may develop the ignorant and comparatively harmless idler, into the cunning and dangerous thief or defrauder. It has been made a matter of complaint, by some of the highest Police authorities in Great Britain, that since the establishment of public compulsory "Board School" teaching, there has been created a more dangerous and unmanageable type of juvenile criminals than formerly. It is, at the same time, admitted, that inasmuch as, in many of these schools, the religious and moral elements have not been lost sight off, a large measure of good has also resulted. The statistics of German and American prisons prove that a very general diffusion of secular instruction amongst the populations, is found in connection with a great increase in the number of offences and imprisonments. "Knowledge is power"—but for evil, as well as for good. The Devil and his instruments are characterised by intelligence; though it is utterly perverted in its objects.

Current Popular Errors as to Imprisonment, and Prison Labour.

The subject of Prisons, also, is a matter on which prevalent official and popular conclusions require critical examination. The special efficacy of prolonged Imprisonments, as a means of repressing crime, has been enormously over estimated, in most countries, and not least in England. Yet it can be shown that more efficient means of diminishing offences are to be found, in a combination of magisterial and philanthropic activity, with a vigilant but merciful Police Supervision. By such a course, the county of Gloucester was able, in a period of forty years, to abolish six out of its seven jails, and to reduce its daily average of prisoners by a very large percentage. Like results would follow similar modes of action, if adopted in other localities.

Also, in connection with Prisons, the question of the Remunerative Labour of their inmates is a subject of two widely diffused popular fallacies, in opposite directions.

On the one hand, many persons object to teaching prisoners trades and useful occupations, or to employing them in profitable industry, on the ground that they are thus placed in unfair competition with the honest workers outside. But it is precisely because they have not already competed, in the ranks of honest industry, that they have become criminals. And until they are induced, or compelled, thus to earn their livelihood, by labour, they will remain a far heavier tax upon the public, than the very worst forms of industrial competition could involve. The respectable tax-payers have to support prisoners, like a dead weight upon their shoulders, unless the latter are obliged to earn their own living, as far as possible. And further, unless they are discharged from incarceration under circumstances which admit of a reasonable prospect of their

finding employment, they will again inflict injury and expense upon the the virtuous portion of the community. An idle prisoner, or criminal, is a very costly nuisance. An English convict lately remarked to a fellow-prisoner, "I have been convicted seven times; but I won't work. By the last robbery I gained £450; and when I am discharged, I will have another go at it." Hence the public cannot afford to encourage such lazy villains in their idleness and crime. And at most, the competition of prison with free labour is almost infinitesimal. For the proportion of prisoners to the free population is, happily, small in all nations. In Great Britain there is not, on the average, so much as one prisoner to every thousand of the outside population. In a very few instances, where a majority of the prisoners have been concentrated upon a single industry, such as mat-making or shoemaking, some small (though for the most part imaginary) inconvenience may have been caused to a few free workers. But generally speaking, the objection to profitable prison industry is either unfounded, or "penny wise and pound foolish."

Of a similar nature, and in opposition to real economy, is the other popular extreme of making the immediate profitable results of prison labour the primary or exclusive object to be aimed at. This has been especially observable in some of the American States, where, in certain instances, their prisons have been rendered entirely self-supporting. Such a result is secured by leasing the criminals to contractors and working them, either in out-door gangs, as usually in the Southern States, or in crowded workshops, as in the North. In both cases the corruption and evil which are thus fostered tend to perpetuate vice, and to render the jails themselves the very nurseries of further crime. It has been remarked that, both in the United States and in France, the jail workshops, with their cheerful associated labour, tend to keep the prison population permanently numerous, and, on the whole, decidedly

on the increase. Whereas, the more deterrent, more reformatory, but more immediately costly conditions of cellular separation, though less favourable to rapid profits from labour, are yet far cheaper in the end, for they tend to keep down the *ultimate* number of prisoners. It has been well remarked that the main object of a prison is to be *empty*. And the most certain test of the efficiency of any penal system is the ultimate continued diminution of offences throughout the community. This is a far more reliable criterion than either the amount of prison earnings, or even the percentage of prisoners known to be reclaimed.

The Principle of Justice—Divine and Human.

A further great essential principle is Justice—Justice with the level scales; the fair weighing of both sides of every matter, and of the claims of each party. How often is the sacred name of Justice applied to a one-sided severity, or to a partial regard to one class of persons, whilst the eyes are kept blind to the rights or circumstances of another class! For example, how disproportionately favourable is the Legislation of most countries to the assumed Rights of Property, as compared with the laws in regard to the collateral, and greater Moral Rights of the community, including the very poorest. Whilst much poverty is self-created, a large proportion of it is the inevitable result of social or hereditary causes, uncontrollable by the sufferer. Sharp deterrence is just and necessary for wilful offenders, and for the voluntarily lazy and improvident. But discriminating mercy and fraternal help are due to our fellow-creatures under privation, and even under transgression, *in so far* as their circumstances are occasioned by the faults or misfortunes of others. In avoiding one extreme, we must also seek to keep clear of the other.

Justice may briefly be defined as the "Golden Rule" in practice, and as exercised, not only as regards individuals,

but also nations. It is even a duty towards dumb animals, which have been created by God, and both hence and otherwise have claims upon human mercy and consideration. But how much more important are the claims of men themselves, however degraded, upon the mercy of their fellows, inasmuch as they are all members of that world of humanity so loved by God that He gave Himself for it, through the Incarnation, in His only begotten Son. In Christ, also, as the second and greater "Adam," we may trustfully hope for an ultimately effectual just recognition by God of that natural frailty and inherent indisposition to self-denying duty, *universally* inherited by mankind from their first Parents. For, with all reverence, it may be held that every man has claims upon God's justice, here or hereafter, equally with those which the Divine rectitude may have upon humanity. It has been wonderfully overlooked or ignored by theologians, especially by such rigid souls as Augustine, Calvin, and the Puritans, that inasmuch as the so-called "Fall" in the First Adam has, by natural inheritance, most materially influenced *all* men everywhere, quite independently of their own choice or original volition, *therefore* it may reasonably be hoped that the Divine *justice* and love will *ultimately* render the blessings of salvation through Christ, the Second Adam, equally universal.

One book of the Bible, the Epistle to the Romans, specially describes the Divine justice or righteousness, as promotive of human virtue; more particularly in the second, fifth, and eleventh chapters. From these and other portions of Holy Scripture, we learn that God "will render to every man according to his deeds," with a grandly overflowing redundance of final blessing upon every humble effort for good, and with a solemnly certain retribution for every evil action. "For *whatsoever* a man soweth, that shall he also reap." As Ary Scheffer has so finely set forth in picture, so, likewise, St. Paul describes Christ as both the intensely sympathising Consoler and majestic Recompenser of the

world. The most minute services of love, comparable to the "cup of cold water," given in His name, will be rewarded by Him most munificently. All virtuous attempts will be also liberally regarded, in view of the sincerity of their motive and independently of their temporary or partial failure or attainment.

On the other hand, we may perhaps gather that every drop of every cup of suffering and woe which (if not followed by the sincerest repentance and by human expiation so far as possible) any person has ever wilfully inflicted upon another, or even upon a dumb animal, will have to be proportionately requited by God, but for ultimately gracious purposes, both of personal restoration and external example. Perhaps, and even probably, such horrible wretches as the Mediæval Inquisitors, the Duke of Alva, Henry the Eighth, Robespierre, and all others who have deliberately plagued mankind with persecutions, aggressive wars, or other cruelties, may hereafter have to endure a long continuance of retributive misery, bearing a justly definite relation, in intensity and amount, to all the agonies ever inflicted by themselves upon their thousands of victims. In view of the right claims and needed moral effect of justice, even the most merciful hearts may dwell with deep satisfaction upon the prospect of such a process, for such miscreants, if only it may be made to subserve, in the end, a profound completeness of purifying and elevating influence, resulting, after such age-lasting, or "æonian" punishment, in absolutely perfect repentance, contrition, reverence, humility and devotion, to be then, and then only, followed by blessed experiences of endless developments of righteousness and joy, with all other and long previously purified beings, in the grand beauty of Christ's immortal presence and Kingdom.

Thus all the awful threatenings of the Bible to the wicked, as fairly interpreted, may be strictly enforced, compatibly with the final and ineffably glorious fulfilment

of all the promises and declarations of God's boundless love. "For as in Adam all die, even so in Christ shall all be made alive," happily, at last. So also may the long ages of mysterious pain and sin, in the world's history, be ultimately compensated and over-ruled for the immeasurable blessing and eternal education of the race, as a whole.

The originally current meanings of Scripture terms and phraseology, together with the best instincts of the human soul, the eloquent analogies of nature, and the noblest conceptions of Divine goodness, all encourage such a trust, which reconciles the most impressive justice with infinite mercy, and which eminently tends to produce a practical dread of sin and crime, whilst affording the most animating encouragements to virtue and the most consoling hopes, amidst present sorrows and perplexities.

Thus may God Himself ultimately overcome all evil with good, and finally destroy it in the divinest way, by converting every opposing soul into a profoundly reverent and loving votary. And this, too, without any sacrifice of equitable demand, without any confusion of right with wrong, and without the slightest encouragement to indolent neglect, or to presumptuous sin. Such, we may trust, will be the final triumph and unlimited extent of the glorious justice of the all-loving Father and Ruler of the Universe.

The educational and elevating developments of mankind are carried on not so much by the discipline of force, even Divine force, as by the moral persuasions and holy incitements of personal goodness; and we may expect the eternal progress of the race to be administered on similar laws and principles.

Of course, in view of the various conflicting interpretations of the Bible, even by the best of men, it does not become anyone to dogmatize positively on this subject. There is legitimate scope for much diversity of conclusion. Many good men believe that the unrepentant wicked will be

raised again hereafter to be punished by annihilation. And unquestionably, many Biblical declarations, relative to their being "reserved" for final retribution, or for everlasting "destruction" and "death," afford grounds for such an opinion. And our Saviour referred to God's power even to "destroy" the soul itself. Nevertheless the minimum of difficulty and the maximum of moral suitability and of regard to the ultimate Divine glory, appear to favour a hope of the final restoration, the eternal happy development of every human being, in conjunction, both with a most exact satisfaction for all evil, and with an ultimately superabounding love and grace, through the Risen Christ, for all, for ever.

In reference to present human dealings with offenders against the laws and rights of the community, it is a primary matter of justice that these shall be restrained and discouraged from continuing in crime, by means of a merciful severity, and by a gradual cumulation of penalties certain, but not too heavy. On the other hand, the general circumstances and antecedents of the offender are, in fairness to him, deserving of practical consideration; as, for example, whether he has been driven to crime by powerful hereditary impulses and passions, in combination with ignorance, privation, and neglect, especially parental and social neglect. If the Law has also permitted such persons to be subjected to excessive temptations, as, for example, from a disproportionate abundance of licensed facilities for drunkenness or other vice, the law-makers and the community are themselves partially responsible for the effects thus produced. The writer, in visiting an English prison, was struck with the remark of a veteran warder who spoke of the heartless inconsiderateness of a large section of the public towards the more unfortunate class of offenders. He said, "People are apt to exclaim, on seeing, for instance, a lad in jail, 'The young rascal! he has wickedness imprinted on his face; it is a good thing to punish him sharply.'"

"Well, perhaps so," the warder would remark, in reply to such an observation; "but let us remember that the lad (like many of his class) is the son of parents, both of whom were thieves and drunkards; both of whom deserted him; that he had no home; no early training in virtue; that he usually found a bed under arches, or on doorsteps, in holes and corners of the city, until the police-cell, or the workhouse, or the prison received him into comparative luxury, though accompanied by restraints hateful to his wild habits." For such an one, justice demands a prolonged training to self-supporting industry, if possible, at some expense to his parents, if otherwise, at the cost of the State, which also has, in some measure probably, neglected him or his progenitors.

Again, as to the pauper; he, too, may have fought the battle of life against a heavy over-weight of disadvantage, from miserable parentage, hereditary incapacity or disease, or both; and in a wretched home, perhaps a "hell upon earth," with a bad example on the part of those around him, as to intemperance and vice. If having the offer of labour, he refuses it, then it is just to let him suffer, either punishment, or sharp privation. But he should be enabled to procure, somewhere and somehow, an opportunity of at least escaping starvation. The English Poor Law, by its offer of admission to the workhouse, secures this; though sometimes by granting it without first affording sufficient inducements to thrift and self-help. The Dutch and German Agricultural "Colonies," and the Bremen workhouse, for furnishing occupations at low wages, afford interesting modes of operation, though on a very limited scale. Count Rumford's plan of compulsory industry, for mendicants and paupers in Bavaria, was also a decidedly successful and instructive experiment, illustrating the needful combination of merciful justice with beneficent deterrence for the idle or thriftless.

To how many criminals, in our own day, are applicable

the words recorded of the wretched Judean king, Ahaziah, son of the cruel idolatress Athaliah,—"For his mother was his counsellor to do wickedly." By natural constitution, a mother's influence is pre-eminently powerful, whether for good or for ill. Hence those who have had bad maternal training are thereby entitled to a specially merciful regard in the retribution, or correction, of their consequent misdeeds. An eminent writer, CARDINAL MANNING, has, in a popular review, lately put forth a plea even for the so-called, "worthless" members of the community, in so far as their hereditary and unfortunate privations have constituted them such. For in such degree, simple justice actually entitles these to some measure of charitable consideration and wise assistance, from the more favoured sections of society.

How much of the vice and crime of Glasgow, Edinburgh, and other crowded cities arises, almost by sheer irresistible necessity, from the shocking crowding of whole families into *single rooms*, or houses of *a single room*,—the sole scene of birth, wedlock and death, feeding, living, and sleeping. Yet near some of these cities, thousands of fair acres are permanently kept waste, for the enjoyment of a few sportsmen. Is not this a grave injustice towards men and towards God? When will Scotland, in particular, rouse herself and deliver her poorest population from such terrible evils of criminal over-crowding and cruelly locked land?

The severity of penalty and the rigour of discipline should be everywhere qualified by just consideration; and also by the fact that honour is due to all men, by reason of the intrinsic worth of each soul gifted with a capacity for immortal life, and endless moral development. Each acorn on a forest path, bears within it the potentiality of a century-living oak. So the basest of men, the most degraded of women, for all of whom Christ has lived, died and risen, may, through the power of His

Gospel, be purified into saintly excellence. Even the once diabolical King Manasseh of Judah, ultimately became prayerfully and practically repentant. From Mary Magdalen, her seven possessing devils were effectually expelled by the Holy Christ. So, through Divine Grace and patient human effort, sinners of any guilt and dye may be led to virtue. Even these can never be justly divested of a certain claim to honour, on account of God's relation to them and their potential immortal restoration. As Dr. W. Ellery Channing has well remarked, "Christianity indeed gives us a deeper, keener feeling of the guilt of mankind than any other religion. But it does not speak of this as indissolubly bound up with the soul, but as a temporary stain which it calls us to wash away. Its greatest doctrine is that the lost are recoverable, that the most fallen may rise, and that there is no height of purity, power, felicity, in the universe, to which the guiltiest mind, may not, through penitence, attain."

Godliness the Chief Principle.

Beyond all other fundamental principles for the diminution or restoration of criminals, TRUE GODLINESS IS THE STRONGEST.

The mighty powers of evil passions and the immense inertia of indifference can only be effectually combated by forces which are still more potent; those of the love of God in Christ, and the hopes and fears of eternity. The experience of the general history of humanity, shows that the greatest success in the reclamation of lives from evil, has been achieved by this power of Divine love.

Yet much has been authoritatively promulgated in Christ's name, which has been singularly opposed to His example and precepts. He Himself laid down, for all time, the simple but decisive test of true Christianity—"By this shall all men know that ye are My disciples, if ye have love

one to another." And His Apostle showed the real fruits and tests of His Holy Spirit to be "Love, joy, peace; long suffering, gentleness, goodness; faith, meekness, temperance."

Further, it is of essential importance to all communities and individuals, that the Divine declarations of what is a truly just retribution or reward, in a future state should be earnestly regarded. For these furnish a sustaining encouragement to right doers, however unknown amongst their fellow men, arising from the well grounded hope, that there awaits them an eternity of joy and congenial activity in the Heaven of Christ's personal presence; in association with the beloved relations and friends of a former life, and with the good and wise of all ages; in grand missions of Divine beneficence, and in vast extensions of knowledge and power. Such justly founded hopes of unending blessings convey a powerful stimulus to patient obedience, and to loyal service to God, by promoting the best interests of His human and brute creation.

On the other hand, strong restraints from wrong-doing, from cruelty, from indifference, from impurity, are to be found in a sense of the necessity of having hereafter to meet the judgment of a God of awful purity and power, irresistibly hostile to deliberate transgression, though ready to forgive all past sins on sincere repentance through the law-honouring justification and affection-winning power of Christ's most precious Blood. For through His own incarnation and voluntary sacrifice "He tasted death for *every* man," and thus for evermore rendered it consistent even with immaculate Divine sanctity, to pardon the sinner, on returning to God, who is at once a Being of unfathomable mercy and of irreconcilable hatred of evil.

Pre-eminently, God is Love. Love is the disposition, both in the Deity and in man, which regards and encourages the favourable features and the good capacities of

others. The Lord beholds, in His poor human family—even in the lowest and weakest of them—*capacities of infinite development*, and the possibility of immortal life in Christ. He knows thoroughly and sympathisingly, that the hereditary tendencies of mankind to evil, and the accumulated power of habit, operating through hundreds of generations of frailty and ignorance, from the first Adam's days to our own, impart a peculiar and vastly *additional* value and interest to the faintest efforts of resistance to such mighty antagonism. The struggles of a sin-burdened soul after righteousness, even if only partially successful at the time, may be more honourable and more fruitful for the development of eternal goodness than the perfect but easier obedience of possibly untempted angels. And if the noblest feelings on earth are the self-sacrificing love of a mother, and the pitying compassion of a father, it was naturally and reasonably to be expected that God, the great archetypal Father and Mother in one, would at some time and in some manner, show forth to the very uttermost, even in infinite degree, His own perfections, also, of parental love. This necessarily involved a miracle of condescension, which chose for its channel the vast descent of the Incarnation—the measureless self-denial of God's own Spirit in Christ, and upon the Cross—resulting in the triumphs of His Resurrection and Ascension, to be followed by His second Advent, as the visible King, and glory of His redeemed Church. But He declares the certainty of irresistible chastisements upon those beings, who, after really fair opportunities of knowing His love and goodness, shall have wilfully disobeyed or deliberately disregarded His sovereign grace.

The temporary existence of evil is probably, and even evidently, an essential condition for the final victories of Divine Love, and for God's grand purposes of the moral education of the human race throughout time and eternity. If there was no evil to combat, where would be the scope

for moral growth, and where would be the possibility of the development of righteous strength and overcoming power? Adam and Eve in a Paradise, continuously free from temptation, must have remained mere adult babes as to the real might and worth of goodness.

The Supreme declares Himself to be absolutely holy—a Being of spotless and crystalline purity. He is irreconcilably opposed to sin, whether in the smallest or greatest degree. And He is eternally destructive of it. For "our God is a consuming fire," and, as such, declares that He will ultimately overcome every contrary influence. Christ is promised to come again, in loving majesty to rule His people. But His Advent was also prophesied to be as "with refiner's fire and fuller's soap,"—that is to say, most searchingly and unsparingly corrective.

These motives of hope and fear towards God have a potency over the Philanthropist, the Missionary, the Editor, the Prison-Officer (whether principal or subordinate), over the managers of the Poor-house, the Orphanage, the Hospital, which no commands of mere earthly Monarchs or Governments can possess. All mortal powers and rulers will soon, as shadows, pass away; and meanwhile they can be easily disobeyed and deceived. But the Eternal God sees every action, however secret; knows every motive and thought, even the inmost; appreciates every humble kindness to man or beast, and will finally reward and judge the whole with unerring justice and irresistible power.

The smallest services of grateful love, and even the apparently or temporarily unsuccessful efforts of His children, will secure His ultimate recognition and reward. And, on the other hand, every act of cruelty and of deliberate wickedness, will as surely come up for remembrance hereafter, before the just judgment seat of Christ. For God is indeed most mercifully just to the Christian, to the Jew, to the Pagan. And through the infinite merits, and representative or substitutionary sufferings of His own glorious

Incarnation, whereby the majesty of the moral law, of the Sovereign of the Universe, is adequately upheld, He offers pardon for all repented sin, and abundantly bestows the visitations of His Holy Spirit in the hearts of men, and promises reward and final acceptance to the virtuous of all ages, even amongst those who have not enjoyed the superior advantages of a preached Gospel, or of the Bible revelations of His love.

Such certain first principles of the Divine claims—such eternal grounds for hope, reverent affection, and fear—are the truest foundations of civil society. They are mighty where the transitory rulers of the world are weak; and they are infinitely more penetrating in their application, and more far-reaching in their issues, than anything that human legislation can devise. They are the great motives furnished by the Gospel, which is the power of God unto salvation, both for individuals and communities; inasmuch as it places men's souls in contact with the influences of eternity, and of the Supreme goodness.

It was the characteristic contribution of ELIZABETH FRY, and her colleagues the BUXTONS, GURNEYS, and others, to modern prison reform, that they perseveringly urged the extensive introduction of *Scriptural knowledge* amongst the inmates and officers of penal and reformatory establishments. There still remains, not only in many such institutions, but amongst large sections of the populations throughout the world, an urgent need for more habitual regard to the Inspired Message of God's redeeming love to man—a gift equally indispensable for the help of the virtuous and of the offending elements of all human society.

M. TSCHUDI, the Director of a Swiss Reformatory, has well remarked, that "It is for want of the fear of the Lord that criminals are what they are. And for this very reason it is our bounden duty to instruct them in those religious principles which have too often been withheld from them; for it is only in the sunshine of religion that good feelings

glow, and that the flowers of the Christian virtues unfold themselves. 'Mere phrases!' exclaims the man of the world. Very well. But let any one attempt the reform of depraved persons, *without* having recourse to religious influence, and it will be practically proved that the results will be very unsatisfactory."

There is a striking passage in the Life of the Rev. JOHN CLAY, where he describes his own observations of the impression sometimes produced by preaching the Gospel judiciously to criminals. He says: "The preacher may speak of heaven; but those men cannot understand him. They know of no happiness beyond gross, foul, animal indulgence. The preacher may speak of hell; and they will wince. It would be terrible if true. But is it true? They harden themselves and won't believe it. But now let him preach Christ crucified; and mark the effect of his preaching, as, in vivid, strong words, he tells the story of that Life and that Death, the story of that Friday morning at Calvary. Watch those men's faces, brutalised by years of selfishness and lust and gross ignorance. Gleams of intelligence and better feeling pass athwart their features. That strange, novel idea of *God having actually suffered, to save them from suffering*, astounds and bewilders them. Vaguely and dimly they begin to feel that they ought, they must, they will, love this Jesus, who has so loved them. They feel that they should like to do, to suffer, something to prove their love. The old self-love is shaken; the new life from God is stirring within them; and when those men go back to their cells they kneel down, and in their half-dumb, inarticulate fashion, gasp out a prayer." (Life, p. 203.)

Scriptural religion is a chief principle of all social progress, both for the worse and the better elements of the community, because it is most potent in producing the best forms of citizenship. Yet some persons who profess a regard for Science, at the same time manifest the strange

inconsistency of indifference to the claims of Christianity. This neglect is radically unphilosophical and unscientific; because there is no department of Science which is more verifiable by its outward and visible results than the Christian System, in so far at least as its adherents practise, as well as profess, obedience to its precepts. It remains to be the chief and surest basis of administrative wisdom and of the safety and happiness of nations.

This is no mere dogmatic assertion. It is confirmed by all historical experience. In proportion as the simple principles of primitive and Scriptural religion have been practically exemplified by any communities, they have enjoyed special, or at least, comparative exemption from crime and pauperism. For example, in New England, under the later and milder Puritan *régime;* in Pennsylvania, under William Penn; in Scotland, in so far as godly Presbyterianism has regulated its parishes and its schools; in the Ban de la Roche, during Oberlin's pastorate; in and around the establishments of the Catholic "Christian Brothers," and of the mediæval "Brotherhoods of the Common Life" of Holland; in the elder Mennonite bodies in Holland, Germany, and Russia; in the Society of Friends, or Quakers, "Plymouth Brethren," "Bible Christians," Baptists, and other sects of Great Britain and America; in the local influence of very many of the clergy and faithful members of the grand Anglican Church, especially in recent times; amongst evangelical Unitarians of the Channing school; and in certain districts or counties of peculiar religious earnestness, as, for instance, Wales and Cornwall:—all these and such as these, have afforded genuinely scientific verifications of the special efficacy of Christian principle amongst communities.

And, on the other hand, other abundant historic proofs demonstrate that principles contrary to those of true Christianity bring failure and ruin to nations and peoples. The Atheistic basis of the French Revolution of 1789, and

of the Paris Commune of 1871, were ever memorable illustrations of this. The great military systems of Europe, so essentially anti-Christian in their influences, are afflicting it with tremendous oppression. Similarly all political, social, and even ostensibly philanthropic movements, which disregard or ignore the primary element of godliness, are manifestly doomed to deceive the hopes they may have raised. What may be called "Radical" Reforms will certainly bring disaster instead of blessing, unless they are radically religious. Continental "Liberalism," if godless, will necessarily result in the most illiberal and despotic infringements of the natural and holiest Rights of Man. And the intelligent party of German Progress ("Fortschritt") must inevitably tend to retrogression and disappointment, unless its leaders render practical homage to the mild but ultimately certain supremacy of Christian principles. For the only true liberty and advancement amongst nations must be ever and continuously based upon the happy freedom resulting from the loving service of the one and undivided, but tri-unely manifested, God and Father of humanity.

Chapter II.

PRISON SYSTEMS GENERALLY UNSATISFACTORY.

A Vexed Question.

For more than a century, the question of what is the best system of prison discipline, has been energetically discussed on both sides of the Atlantic. Libraries of literature upon the subject have been written. Governments and Parliaments have set apart special Commissions and Committees, times without number, for its investigation, either at home or by foreign travel. Congresses and Conferences have repeatedly been convened to arrive at decisions on the matter. Various alternations and revolutions of opinion have taken place, in regard to the respective merits and demerits, of separation, or of association; of penal and remunerative industry in prisons; and of countless details affecting the architecture, the administration, inspection, and general routine of these establishments. Millions of pounds have been spent in building up, altering, or pulling down prisons, in accordance with these changes of opinion. And although there is now, at least in Europe, a growing feeling in favour of the absolute separation of prisoners from one another, yet experienced observers still remain divided in opinion as to the best modes of criminal discipline.

Ultimately, after this century of wordy discussion, costly

construction and destruction, there is an increasing impression, amongst experienced observers, that the efficacy of even the best systems of imprisonment, has, all along, been exceedingly over-estimated, and that their disadvantages, both to the State and to the criminal, have been too much lost sight of.

In several countries, some of the results of wise Police Supervision and of Conditional Liberty and Liberation, are pointing to the conclusion that there may be secured a decidedly greater degree of deterrence and reformation amongst offenders, with a minimum of imprisonment, precisely because the longer terms of ordinary confinement have, by their very nature, tended to habituate prisoners to their lot, and to destroy, by producing indifference, both their hopes and fears, as to the future.

British Prisons.

The British prisons are more calculated to exercise a deterrent influence over their inmates than the penal establishments of most other nations; yet, in these, much corrupting association continues, and it is found that a considerable proportion of the prisoners re-enter their walls dozens, and even scores of times in succession. In some instances more than a hundred, and occasionally two, three, or even four hundred arrests and imprisonments have recently been undergone by individual offenders, in the United Kingdom. Even the longer terms of penal servitude, for robberies, burglaries and violent crimes, have been followed in many cases by further reconvictions.

There are various reasons why these prolonged imprisonments must necessarily be of very limited efficiency. If prisoners are to be maintained in health, and enabled to work usefully whilst in confinement, their condition must unavoidably be rendered in some respects superior to that of the honest labourer outside, especially as to food. For it is a well

observed fact that prisoners require a better nourishment to enable them to endure the ordinary restraints of incarceration, at least for a continuance, than would be sufficient to support the same persons in a state of liberty. If, on the other hand, they are placed on the same dietary as the poorest outside workers, they will, in many instances, pine away and die. Hence the food, and to a considerable extent, also, the clothing, general lodging and warming of convicts, place them for months and years, in circumstances which at any rate appear unjust to the industrious free labourers. Nevertheless the latter are too apt to overlook the important matter that the real punishment consists mainly in the absence of vicious indulgences, amusement and alcohol; together with a rigid enforcement of regular hours and unpaid work.

As to the subject of prison dietary, in particular, it gives rise to many difficulties, some of which are almost inseparable from any system of detention. For example, in the English convict establishments, under efforts to distribute an equal and sufficient amount of food for all the inmates, it has repeatedly been observed that scores of these have been unable to eat all the rations supplied to them, whilst, at the same time, many of their fellow-convicts have been so sharp set by hunger as to devour with avidity, frogs, slugs, snails, and various sorts of refuse.

The matter which requires most vigilance in connection with English jail dietary, is the combination of a low scale of food with hard penal labour during the first stages of imprisonment. Either the one or the other, separately, may be justifiable. But both in combination are dangerous, and even tend to cruel and occasionally fatal injuries.

European Prisons in General.

In most of the Continental nations, earnest endeavours have been made, of late years, to improve their prison

systems. This has especially been the case in Holland, Belgium, Germany, Norway, Sweden, Switzerland, and Denmark, where there are peculiarly intelligent and well-organized bodies of officials in this department; also, but in lesser degree, perhaps, in Italy, France and Austria. In Sweden and Norway in particular, the noble exertions of King Oscar I. have borne good fruit and have found many imitators, as for example, in M. Almquist, M. de Olivekrona, M. C. Smith, M. R. Petersen, M. Birch-Reichenwald, M. Bang and others. But despite all efforts, many and varied evils continue to characterize imprisonment generally throughout Europe.

France.

In several of the above-named countries, the Governments have moved in advance of the people, in regard to this subject. But in France it has been otherwise. There the State authorities have been so greatly engrossed with military and other matters, that they have unduly neglected the protection of the community from crime. The excellent "Prison Society of France" has, however, gathered together a noble band of private philanthropists, who have strenuously advocated more progressive measures. Amongst these and other penologists of that country, may be mentioned the names of M. Bonneville de Marsangy, Baron D'Haussonville, M. Th. Roussel, M. Victor Hugo, M. Fernande Desportes, M. Charles Lucas (a gentleman wonderfully energetic, through many decades, and in spite of his blindness), M. F. L. Herbette, M. Ribot, M. Berenger, M. Le Courbe, M. Dufaure, M. E. Acollas, M. Yvernes, M. Dareste, M. Lefebure, M. de Corny, M. M. Bonjean, M. Bujon, M. Mercier, M. Chaix, M. Riviere, M. Voisin, M. E. Mouton, M. Lacointa, M. James Nattan, M. P. Vial, M. Robin, M. Arboux, M. Reynaud, M. Dreyfus, M. Petit, M. Bailliere,

M. CLAIRIN, M. BOURNAT, M. PAGES, M. G. DUBOIS, and many others. But hitherto, the reforms desired by these intelligent persons have been very inadequately conceded by the Government.

A strong condemnation of the French, but especially of the Parisian prisons, appeared in the "*Révue Générale*," in 1885, written by M. IVES GUYOT. He quoted the official statistics, as showing that the number of habitual criminals (*recidivistes*) in that country, had alarmingly increased in the past thirty years. He attributed this largely to the effect of a degrading association of convicts, and to the comparative absence of measures to prevent discharged prisoners from relapsing into crime. He described in graphic colours, the horrible crowding together of criminals, by day and night, in some of the Paris jails; young and old, the vilest and the most venial offenders being shut up, often in idleness and filth, and occasionally in darkness; infecting each other with vermin, with disease, and with the worst moral corruptions. It was stated that spies are, at times, placed amongst these prisoners, and rewarded by the police, for promoting their re-arrest.

The well devised Law of 1875, providing for the cellular separation of short-term offenders, (imprisoned for periods up to one year in duration,) has, for the most part, remained a dead letter. At any rate it has only, as yet, been adopted in a comparatively few localities. And in general, France has, as a nation, been too indifferent to the wise treatment of her criminals. Hence she has practically fostered their increase, as a viper brood, until her legislators, perplexed almost to despair, have devised no better means of relief, than that of consigning their inveterately criminal population to distant Pacific Islands, either to rot, as in their own corruption, there, or, through frequent escapes and re-emigration, to plague the honest and law-abiding citizens of adjacent British Colonies. Surely the intelligence of "*la Grande Nation*" ought to be able to attain a far better

result than this, in reference to its neglected and criminal classes!

There was published, in London, in 1887, a description by PRINCE KRAPOTKINE, of his own experiences in various French prisons, the best of which he depicted as being very bad, owing to the cruelty of petty officials; the filth, and the alternations of enforced idleness, or excessive labour. Thus of some of the long-term military prisoners at Clairvaux, he remarks that in consequence of their bestial vices in confinement, "their quarter has so bad a reputation that the rains of brimstone, which destroyed the two Biblical towns, are invoked upon it by the administration." In one prison, an intractable but probably half-mad convict was drenched with the hose from a fire engine, and left wet in his cell, in frosty weather. At other prisons, the inmates were kept at a peculiar kind of walking drill, with slight intervals, during twelve hours, daily, for months, until they were maddened by the torture of the protracted exercise; their screams only brought them to dark cells and starvation diet. At Lyons the prisoners were subjected to demoralization and filth. Even the unfortunate lads, the incorrigibles from the agricultural or penitentiary "colonies," who are sentenced to detention until the age of 21 years, become so debased in prison that "the warders and the priests are unanimous in saying that the only desire which, day and night, haunts these young people, is that of satisfying the most abject passions. In the dormitories, in the church, in the yards, they are always perpetrating the same shameful deeds." Elsewhere, even in the Palais de Justice of Lyons, there were certain dark cells which were used for the double purpose of privies and detention chambers for newly arrested offenders. The same observer remarks that the wives and families of convicts, in France, as elsewhere, often suffer greater punishment than their male relatives, by reason of the prolonged poverty and misery, involved in their being deprived of their bread-

winners. Hence many of them are driven to prostitution and robbery.

In 1887, the "French Prison Society" stated, in their carefully edited journal, or "Bulletin," that out of the 17,556 prisoners, confined in the smaller, or departmental, jails of France, at a recent date, 6,888, or more than one-third, were kept idle and not set to any occupation.

Russia.

In the vast Empire of Russia, many of the prisons have been described as frightful abysses of moral and physical filth, of administrative cruelty to the inmates and especially to the wretched women in them.

Many accounts of these prisons, written by exiles, have lately appeared in the chief journals and magazines of Europe and America. Probably there are some exaggerations or misrepresentations, amongst these statements. But inasmuch as they have been so persistent and so much in unison, in their general assertions, it must be feared that there is at least a terrible residuum of truth in them. They complain, for instance, of the cells in some of the prisons, as being places where the wretched inmates are locked up for months or years, in absolute solitude, with damp floors, and dripping walls; being infested by rats, deprived of labour and of books, and with insufficient light to read; the common decencies of life being withheld; the food provided being at times disgusting in its nature and productive of disease and death; the air also being polluted with the continuous stench of a sewage tub, often unemptied for days together; the prisoners' covering by day and night being very scanty and ragged, and abounding in vermin; whilst there is frequent exposure to intense cold. To these inflictions are said to be sometimes added severe floggings.

Some exceptionally apologetic descriptions of Russian prisons have been published by one English visitor, Mr.

LANSDELL, who stated however that he was unacquainted with the language, and that, in a few months, he had glided across that vast Empire, at express speed, as with the wings of the wind. He also was favoured with the cautious guidance of the imperial authorities during his very limited observations. Hence it is no matter for surprise that his statements differ extremely from those of other writers on the subject, both natives and foreigners. Amongst recent authorities who may be referred to on this question is Mr. EDMUND NOBLE, a traveller conversant with the Russian language and people, who has given in his work, "The Russian Revolt" (London: Longmans, 1885), a most deplorable account of the prisons and the criminal treatment in the Empire. He shows that Russian jails are even worse than the British prisons were before Howard's time. He quotes from various native authorities many shocking incidents in the modern prison life of Russia and Siberia, including cases where some of the prisoners were driven to suicide, others to madness, and where women were violated by their custodians.

PRINCE KRAPOTKINE, in his book "In Russian and French Prisons" (London, 1887), stated that, amongst the many thousand persons annually sent to Siberia, the mortality is enormous from cruelty and neglect. He quotes an official admission of this, and adds, on the authority of the *Russian Law Messenger*, 1883, that of the several thousand young females sent or taken to Siberia "no girl of 14, or less, reaches the end of the journey without having been submitted to a gross offence." Such a statement as this however must be regarded as very extreme. But it may rest on some basis sufficiently repulsive in the amount of fact.

Of course the Russian Government systematically meets such assertions with denials, or with pleas of impotence to prevent these occurrences; and, very probably, some proportion of the charges of cruelty are incorrect. But if even

half of them, or more, be regarded as unreliable, the residue is very shocking.

One of the most impartial writers on this subject, Mr. GEORGE KENNAN, who has travelled extensively in Russia, and has personally inspected many of the prisons, published, in 1888, in the New York *Century* Magazine, his observations and conclusions thus obtained. They are expressed in a very temperate and unsensational manner; but they confirm abundantly many of the terrible descriptions of Russian prison administration previously given to the world by such writers as Prince Krapotkine, "Stepniak," and other exiles. He went to Siberia under a belief that the current general complaints of abuses in Russian prisons were incredible. But he reports (April, 1888) in the *Century*—"My views have been changed by an overwhelming mass of evidence." Mr. Kennan, however, denies the infliction of torture in Russia, and gives credit to some of the Imperial officials for sincere efforts to reform their prison system.

Can it be wondered at that Nihilism and conspiracy have had great power in Russia, or that it has been sometimes remarked that the Russian form of government is "despotism tempered by assassination"? The absence of constitutional checks, and of a free journalism, and the persistent disregard of reasonable protests against official cruelty and corruption, positively compel the people to violent resistance and to secret combination against the intolerable outrages perpetrated by State agents.

The Russians, as a people, have many virtues. They are patient, industrious, persevering, and loyal. Many of them have exhibited marvellous powers of self-sacrifice and generosity. When they have real Christians for their priests, or teachers, they become very religious. Several of their recent Emperors, especially the first and second Alexanders, were men of unquestionable philanthropy. But the terrible assassination of Alexander II., and the

murders of some of his subordinates, were not so much the acts of the visible instruments as the natural results of those appalling official cruelties and outrages upon man, woman, and child, which have been widely inflicted in the very name of Law and order in various districts of the Empire. Further, there has been no effectual "safety-valve" furnished by the Russian authorities for the reasonable ventilation of real grievances. This is a primary blunder in any State.

The Emperor Alexander I. once remarked to an English visitor, "They call me an absolute monarch; but I possess comparatively little real power." This must necessarily be the case in regard to many matters in so vast a country, whose inhabitants indeed express their own sense of the fact by their common proverb, "God is in heaven and the Emperor afar off." All despots must unavoidably be often rendered the victims and tools of their own nominal subordinates. This must continue to be the case in Russia until some form of constitutional government is secured, together with various other reforms. Meanwhile there have been some Russians who have made earnest endeavours to at least diminish some of the evils which abound in the prisons of the Empire. Amongst these may be named M. Galkine-Wraskoy, M. Grotenfeld (of Finland), Count Sollohub, M. Foinitzky, M. Frisch, M. de Grot, M. Kokovtzeff, M. Moldenhawer, Princess Oldenburg, M. Paul Birvansky, M. Pobedonostzeff, M. Stehinsky, M. Miklaszewski, M. Roukavitchnikoff, M. de Nolcken, M. A. Salomon, M. E. Michelet, and others.

One of these reformers, in particular, M. N. Roukavitchnikoff, was a most remarkable and saintly man. He was the inheritor of great wealth, being the son of the owner of rich gold mines, but he sacrificed his personal ease and worldly interests in order to become the resident manager of a refuge or reformatory at Moscow for destitute and neglected boys. It is remarked of him by M. Salomon (in

the Transactions of the Prison Congress of Rome) that "The considerable sums of money which his fortune enabled him to devote to the support of that institution constituted but a secondary form of beneficence in comparison with the moral riches and influences which he diffused amongst these poor children who had been led by bad examples in the way of vice and crime."

The central authorities in Russia have immense difficulties to contend with, and hence any progress they may be able to effect will be doubly praiseworthy. The Imperial Government conveyed to the International Prison Congress, held in Rome in 1885, an invitation to hold the next similar (usually quinquennial) gathering at St. Petersburg. This at least indicated a desire for improvement, and may be regarded as a harbinger of better days to come in the general condition of prison and criminal discipline. The work, however, is comparable to the cleansing of the Augean stables, and will necessitate prolonged and extreme exertion if it is to succeed.

It "goes without saying" that grievous abuses must exist in Russian administration until press liberty is tolerated. The blessed "white light" of a free journalism is ever essential to expose, and at least partially hold in check, the evils either of autocratic or of democratic despotism. But the Russian press remains largely in bondage. Hence oppressions must follow, almost with mathematical certainty.

Other Countries.

In many of the prisons of Spain, Portugal, Turkey, Egypt, and various other nations, the worst evils of promiscuous association by day and by night, together with more or less tyranny and corruption on the part of officials, are too prevalent characteristics. In Spain, however, there are dawnings of a better future, owing to the efforts put forth by such earnest penal reformers as M. Lastres,

M. A. Y. CORNET, Madame C. ARENAL, M. SILVELA, Don E. CASTELLOTE, and others. In the jails of MOROCCO things are almost as bad as possible. Innocent and guilty are alike condemned to fester together in filth and darkness, and they are often left to the mercy of their friends and chance visitors even for their food. Otherwise they may perish of starvation. Mahometan rulers generally treat prisoners abominably, though not much worse than is sometimes done by certain professedly Christian Governments.

The great GERMAN people, who have led the world onward in many ways, have also accomplished much for the progress of Penology, especially under the guidance of such men as Dr. JULIUS, M. MITTERMAIER, M. RÖDER, BARON HOLTZENDORFF, M. ILLING, M. STRENG, M. KROHNE, VON JAGEMANN, M. SICHART, Dr. VON LISZT, M. WAHLBERG (Austria), M. MITTELSTÄDT, Dr. VARRENTRAP, M. STÜRSBERG, Dr. WICHERN, M. FÖHRING, M. EKERT, Dr. BÄR, Dr. ASCHROTH, M. STARKE, M. D'ALINGE, M. FUCHS, Dr. HYE GLUNEK, M. HARKE, M. GRAEBER, M. EBERTY, M. TAUFFER (Austria), M. WIRTH, and many others. Yet in 1886 it was shown by an observant writer, M. GÖTTING, that in the generality of the minor prisons of North Germany, the absence of adequate separation had converted the daily intercourse of the inmates into a constant succession of thieves' conversaziones, and with most demoralising results to the nation.

In 1888 it was further stated, in the peculiarly reliable work of MM. Holtzendorff and Jagemann, "Handbuch des Gefängnisswesens," that more than 80 per cent., or 800 per 1,000, of the inmates of Prussian jails in 1885 had been previously punished for other crimes or offences. (Vol. i., p. 170.) The same book pleads for a revolution in the German prison system, and exposes the extreme irregularity and conflicting influences which characterize the penal administration even of that most intelligent and powerful Empire.

Imprisonment at the Best.

The best modes of imprisonment in the most progressive countries are necessarily attended by certain grave evils. Even in the British and other prisons of the better description, and where the State maintains an array of religious and moral instructors for the benefit of the inmates, each prisoner knows that, whether comparatively idle or industrious, he will not be able, in general, to earn by his labour more than a small sum of money to help him on his discharge—merely enough to support him for a few days or weeks, and not always even that. On the other hand, he not unfrequently resolves to work as little as possible, when set at liberty, for he knows that by resuming his thievish habits he can supply himself in a few hours with more money than months of honest hard work would bring him.

Whilst in prison he is apt to nourish a feeling of resentment against the authorities and the community, a state of mind very unfavourable to growth in virtue and morality. In many cases—and especially if he belong to the less depraved class of offenders—he is worried by anxiety concerning the interests and support of his family, who are probably thrown upon charity for maintenance during his incarceration. If, also, these relatives are—as is sometimes the case—persons of respectable character, he is deprived of their good influence, except through an occasional letter or visit. And whilst he is temporarily placed out of the reach of the temptations of former bad companions, he is also separated from the needful discipline of ordinary life. He listens to the sermons of the Chaplain, in praise of the virtues of honesty and sobriety; but inasmuch as he is no longer in circumstances to exercise any practical self-control against drunkenness or stealing, that which he hears, or resolves, is peculiarly apt to be of an exceed-

ingly superficial and unreliable influence as to permanent effect.

The adoption of cellular separation from evil (but not from good) association during the shorter terms of confinement, has been attended with marked advantages in prisons in Great Britain, Holland, Belgium, Pennsylvania, and elsewhere. But even in these cases it has not been in the power of the authorities to obviate some of the grave evils inseparable from any form of incarceration. The State, as such, cannot make its officers in these or any other prisons, religiously and morally competent for their functions. The State often cannot secure the adequate amount of instruction and good influence, either by official or voluntary helpers, for the reformation of prisoners. And further, however useful cellular separation may be, as a preventive of mischievous corruption from other criminals, it does not afford a positive guarantee for improvement in itself. It may prevent prisoners from getting worse (and in most prisons, with association, they do get worse) but it only makes them better, in so far as it is accompanied by religious and secular instruction and industrial occupation. And even with all these, there will, of necessity, be still lacking those tests and developing agencies of reformation which are only afforded by the discipline of every-day life and liberty. A prisoner in an association-jail is like a man thrown amongst a group of lepers or plague-stricken wretches. The inmate of a cellular prison is like a child in leading-strings, or a bird in a cage, with very imperfect or inadequate qualification for free existence. *The chief function of the cell is deterrence, with the least danger of further corruption.*

For these and similar reasons it is the frequent if not the general testimony of the most experienced prison officers, that the actual reformation of an habitual prisoner, by means of *any* system of discipline, during incarceration, is a rare occurrence. The Governor of a large English convict

establishment remarked to the writer: "Our Chaplain is a most painstaking minister, and he labours earnestly amongst the men; but where are the results? If we had a chaplain for every convict we could not reform these criminals." Such an observation was far too pessimist in its tone; but, unfortunately, it resembled many utterances of intelligent and observant custodians of habitual offenders. On the other hand, it is an unquestionable fact that occasionally there have been striking instances of permanent reformation of character effected during imprisonment. But these are, admittedly, exceptions.

If imprisonment thus fails, in general, to secure reformation, it is only efficacious, in a very limited degree, in regard to deterrence. And it must be so, from its very nature and from the necessary operation of the laws of habit upon the human mind and constitution.

Repeatedly has the declaration been made by prison-officers: "We have often noticed that when offenders—especially the younger ones—first enter these walls, they are overpowered by fear and apprehension. For a few days, or even weeks, these feelings continue; and then gradually a change takes place. They begin to get accustomed to the daily routine; they are rallied by their companions, and realise that, after all, a jail is not nearly so dreadful a place as they had supposed it to be. On the contrary, they find that it furnishes them with some advantages which they had never before enjoyed. Their fears are dispelled; and when their time of discharge arrives, they have become not more, but less, in dread, than previously, of breaking the law and meeting its penalties." Then, in such cases, it is fairly a question whether the imprisonment has not done more harm than good. For it is a most undesirable result to remove the fear of law and the dread of penalty.

Where the imprisonment continues for very long periods, a sullen apathy is the frequent if not general effect. Year after year passing by, renders the prisoner less qualified

for freedom, and increasingly hardened in his sense of hatred to authority and to mankind. The evil communications of his comrades tend to perpetuate and increase the moral corruption of his heart. Almost the only voluntary effort of any kind which he puts forth is, too often, the cultivation of increasingly cunning endeavours to impose upon the officers, to avoid punishments by a superficial observance of routine regulations, and to practise as much hypocrisy as possible.

The introduction, as in the British and various other prisons, of the "GOOD MARK" system, followed by "CONDITIONAL LIBERATION" and the extension, as in some American jails, of pardon after continued satisfactory behaviour, are influences which, it must be admitted, have materially modified and counteracted the deadening tendencies of long imprisonment, by introducing some measure of the stimulating effects of hope and reward. But even these influences are of very limited power, in connection with the disheartening tendencies of prolonged incarceration. It is continually observed that the worst criminals are apt to become, whilst in confinement, the most plausibly obsequious and the most practically obedient, from motives of self-interest. And, notwithstanding all ameliorations, there is experienced an abundant proportion of re-convictions and of relapses into crime, on the part of offenders who have already undergone these protracted imprisonments, and earned many "good marks." They have become, in fact, thoroughly habituated to the prison, and thoroughly familiarised with its conditions. They have practically realised the truth of the old saying that "Familiarity breeds contempt." For surely, their frequent returns to crime indicate a very genuine contempt, both of the severest laws and of the longer terms of imprisonment.

"THE IRISH SYSTEM" OF THE PAST.

At intervals certain influential persons have considered

the desirability of devising some methods of punishment which shall combine a due amount of deterrent impression with more reformatory training, and which shall be at once less liable to the deadening and familiarising influences of routine and to the enfeebling paralysis occasioned by a removal from all, or most of the moral incitements of ordinary life. These were precisely the objects sought to be achieved by the so-called "Irish convict system" as it formerly existed. But it did not, in its practical operation, materially differ from the English convict system, after making allowance for the exceptional facilities for Emigration from Ireland, and for the especial influences of certain persons of superior ability temporarily employed in the administration of the system; as, for example, the humane director, Sir WALTER CROFTON, and the earnest agent for procuring employment for the discharged convicts, Mr. JAMES ORGAN. Inasmuch, then, as it did not differ from other penal systems, in so far as it retained prolonged imprisonments and corrupting association, it failed to secure exemption from the universally accompanying evils of these arrangements. It was also conclusively shown that the great diminution of convicts which happened soon after the establishment of what was popularly termed the "Irish" plan, was not at all peculiar to the prisons that were administered upon that system.

For a remarkable and rapid diminution also took place, simultaneously, in the numbers of the inmates of the *common* or *local jails* in the counties and boroughs of Ireland, where that special system was not at all practised, and where, indeed, no change had taken place in the previous routine of administration. The combined effect of the passing away of the Irish Famine and the subsequent vast emigration to America, at once tended to empty the numerous jails where the Maconochie and Crofton system had never been practised, and also the four or five establishments where it then existed. There was scarcely any

virtual difference in the *comparative* results, either of the presence or absence, of that system, so far as the numbers of Irish prisoners were affected. Indeed, during the period in question, a similar diminution of the *free* population of Ireland took place. The famine had caused a rush of many of the starving people into all the prisons, both convict and local. When it passed away, their inmates again rapidly decreased. And further, it is to be noted that after Sir Walter Crofton ceased to direct the Irish convict prisons, they became worse than those of Great Britain, rather than superior. Sir W. Crofton wrote to the Prison Congress at Rome, in 1885: "I wish it to be known at the Congress that I have had nothing to do with the Irish prisons for many years, and that I am entirely opposed to the system pursued by the present Directors. The evil results of that system are shown in the Report of the inquiry recently made by the Royal Commission."*

The "Irish" plan, at its best, was no exception to the general failure of all modes of congregate imprisonment. Even the "intermediate" prison of the system, the open farm at Lusk, near Dublin, did not, in any very special way, prepare, for the ordinary conditions of free life, the very small number of convicts (from 30 to 50) there engaged in the cultivation of land and in quarrying. For although they were not surrounded by walls, and although they were occasionally sent into the village on errands, or to attend church, yet, for practical purposes, they were as completely shut in from the discipline and trials of ordinary life as the inmates of other prisons. They were effectually watched and guarded by means of officers, police, and telegraphs, and all of them being near the expiration of their detention, any known misbehaviour would lead to the for-

* *Vide* shocking evidence as to unnatural crime amongst Irish convicts, in "Report of Royal Commission on Penal Servitude Acts," London, 1879, especially at pages 831-836.

feiture of their money earnings, and would also involve an extension of their punishment under more penal conditions. Beyond all of which, the men were better fed and cared for than thousands of the free peasantry outside. Grave charges were made before the Royal Commission, in 1879, against the morals even of the selected convicts of Lusk. At the end of 1887 the Government abandoned this distinctive relic of the once unduly famed "Irish" convict system.*

Prison Mortality.

One of the various evils connected with prisons, is the frequently observed tendency of confinement to increase the mortality amongst those subjected to it. Incarceration is, at best, an unnatural condition. Two of the primary conditions of health are the free access of *air* and *sunshine*. But there is apt to be a special deficiency of these essentials inside the high walls and narrow cells of most prisons. The condition of the air, whether in cells, or in prison workshops, is often so unhealthy, for want of adequate ventilation, that although there are, of course, many exceptions, yet as a rule, prisons are peculiarly favourable to the production of pulmonary disease. The mortality from this one cause is, on the average, more than double that of the general community. This has been noticed as a prevalent feature of jails, in various lands and climates. The constant breathing of the impure air, over and over again, whether in separate cells, or associated wards, has a most deleterious effect upon the lungs. (Pulmonary disease, even in ordinary life, is most frequent where there is not a free circulation of fresh air, both by day and by night.) It must be further and especially remembered that much of the unnatural mortality thus occasioned, finishes its deadly work *after the discharge* of the prisoner, and so *escapes tabulation* in connection with prison statistics. Even that

* The twenty-one convicts then remaining at Lusk were transferred, as a special class, to the Invalid Prison of Maryborough.

portion which is so tabulated, indicates a serious amount of extra fatality, which it is of importance to obviate, if it can be done with suitable regard to the security of the community. As to the mortality in some Indian jails and Southern United States convict establishments, it has been appalling, thus indicating criminal cruelty on the part of authorities.

Even in the English jails, where great care is taken of the health of the inmates, it often happens that serious physical injury is caused by comparatively brief imprisonments, especially in cases where persons, previously accustomed to wear flannels or chest-protectors have been deprived of them, in accordance with either local or general orders. Thus, in 1888, a representative of the *Pall Mall Gazette* described his interview with a man just liberated, after one month's detention in a Metropolitan prison. He appeared "rather consumptive," and had a "very bad cold." He explained the cause of this by saying, "I am accustomed to wear a heavy chest-protector, and they took it away. I applied to the doctor twice, but it was no good; and the cells were bitterly cold. The cold has hit my chest."

Of course it may not unreasonably be pleaded that the first and chief matter to be kept in view is not the health of prisoners, but the security of the community and the prevention of crime; and that, if a criminal subjects himself to peculiar evils and dangers in consequence of his offences, it is his own act. Further, it is essential for the well-being of society that evil-doers shall either be restrained from their misdeeds, or absolutely prevented from becoming nuisances to honest men. If the process involves, through imprisonment, an exposure to special mortality, this must be regarded as an adjunct and consequence of the offender's own actions. He has mainly brought it upon himself. All this has considerable weight of reason. Nevertheless, it constitutes an additional ground for examination, whether the objects sought to be accomplished

by long imprisonments, can, with equal efficacy, be effected by other means.

Transportation and Penal Labour in the Open.

In many countries the manifest evils of the constant indoor labour of prisoners, and the tendency, imaginary or partial, of such labour to come into competition with local free industry, have led to attempts to employ criminals in the cultivation of land, and in large parties or gangs, in the open air. But here, again, other forms of grave inconvenience have, in most cases, presented themselves as being almost inevitable consequences of such experiments.

Great Britain has had recourse to long penal detention in establishments where the convicts were chiefly employed in the open air, both at home and abroad. In her Australian Colonies, under the Transportation system, hundreds of miles of roads were made by convict labour; thousands of acres of wild land were reclaimed and cultivated; bridges, wharves and buildings of excellent masonry were constructed. Many useful public works were thus secured. But this was done at an enormous moral and pecuniary cost, utterly disproportionate to the results obtained. And whenever, or in so far as, this system was administered with mercy, and tended to the restoration of the convicts to the freedom and prosperity of ordinary life, it was also found that such results produced a dangerous effect on the home country, by diffusing amongst the criminal and pauper classes an idea that transportation was a means of attaining success and enjoyment. Hence, this naturally became a strong inducement to crime. But on the other hand, and far more generally, the excessive severities of the transportation system and the usual accompaniments of the discipline of large bodies of the most violent offenders, of both sexes, when removed from their country and from efficient public oversight, repeatedly brought about the most frightful consequences. The annals of Botany Bay,

Port Jackson, Norfolk Island, Macquarrie Harbour,* and other Australian penal settlements, are records of tyranny, murder, suicide, executions, unnatural crime, blasphemy, and of perhaps some of the nearest approaches to pandemonium ever seen on earth. The whipping-post and the gallows were the characteristic and constant resources of

* Australian Transportation.

Macquarrie Harbour was a British penal settlement in south-west Tasmania. A missionary of the Society of Friends, G. W. Walker, who visited it in 1832, stated that five-eighths of the deaths there were caused by murders or accidents, and that even cannibalism was an occasional feature of convict life, at that remote station, almost surrounded by the forests. He writes:—"We went into a fissure of the rock, on the southern side, called 'Murderer's Cave,' in consequence of the number of convicts who have been murdered there. We were also shown the stains of blood that yet remained on the floor of their large apartment, where a poor fellow-creature met his fate very recently." In the convict burial-ground the inscription, "murdered," was conspicuous by its frequency. Mr. Walker adds:—"A considerable proportion of those murdered by their companions are supposed to have been devoured by them; for it is a horrid, but undoubted fact, that on several occasions, when a party of men were determined on taking to 'the bush,' some unsuspecting simple man has been inveigled into the conspiracy, for the express purpose of furnishing food."

The horrors of convict life in Norfolk Island were, perhaps, worse than even those at Macquarrie Harbour. Captain Maconochie introduced a temporary gleam of reform; but reaction soon commenced, even under his well-meant efforts. The life of the convicts during the voyage out to these settlements was also, in general, a fearful time. Innumerable cruelties were committed in the holds of the vessels by the prisoners. Scaldings, robbings, garottings, and beatings were freely, and with general impunity to the perpetrators, practised upon the weaker convicts.

During this Transportation period, there were amongst its administrators some exceptionally humane and able persons, as, for example, Governor Sir Wm. Denison, Surgeon-Superintendent Dr. Colin A. Browning, and others. Their efforts for good were remarkably efficacious within the reach of their own personal authority. But the intrinsic rottenness of the system was too comprehensive to be permanently, or generally, counteracted, even by the best of men.

the discipline. At length a crusade against these atrocities was aroused, mainly through the labours of the apostolic Bishop Willson, of Tasmania; and outraged humanity, both at home and in the colonies, indignantly compelled the British Government to abandon a system where the worst evils were found to be in existence—a system which terminated amid lasting infamy.

On a small scale England has also tried the cultivation of the land at home by some of her prisoners, as at Dartmoor, where the authorities have farmed some hundreds of acres around the penal establishment at Princetown. But the results here, again, have been either seriously unsatisfactory or ridiculously inadequate. Occasionally, the convicts there have had to be shot down for yielding to the undue temptations to escape, placed in their way by labour on the open moorlands. And, in general, the scanty crops and small-sized vegetables, produced after much costly expenditure, have been such as to cause the ridicule of practical local agriculturists. Probably for every pound of outlay there has resulted only a half-crown's worth of production.

At Borstal Convict Prison, near Chatham, an experiment hitherto unprecedented in the employment of prisoners was for several years in operation. A narrow-gauge railway, two miles in length, was constructed, for the exclusive use of the prisoners, who were taken several times a day to labour in the construction of forts at that distance from the prison itself. But whether the forts or the labour were worth all this outlay, may be fairly doubted.

French Transportation.

France has adopted penal agricultural occupation in Cayenne, on a large scale, with the result of immense mortality and enormous but wasted outlay. As to her New Caledonian experiences the less said the better for her reputation. The convicts from thence have been

continual sources of annoyance to the neighbouring free communities of Australia.

In 1886 there was issued in Paris a book entitled, "Le Bagne et la Colonisation Pénale de la Nouvelle-Calédonie, par un Témoin Oculaire." (Charles Bayle, publisher.) The author was M. LEON MONCELON, an official delegate from New Caledonia to the Government of the mother country. His book is a vigorous protest against the almost incredible abuses and corruptions which he describes as characterising the whole system of transportation and penal treatment in that island. He states that although, for many years, France had increasingly consigned her refuse criminality to New Caledonia, until at length she had more than seven thousand convicts there, under the care of a costly staff of officers, their labour, either for the colony or for themselves, had scarcely been utilised, but on the contrary, they had been permitted, as a body, to revel in laziness, vice, and outrage. Even the simplest and most necessary public works, such as the construction of bridges, roads, buildings, and drains, had been scandalously neglected. The streets and paths, close to the convict quarters, had been allowed to remain in the condition of open sewers. Under British management, transportation in Australia and Tasmania at least resulted in a large amount of valuable and useful public work, especially bridges, road-making and building. But only a trifling proportion of such serviceable labour has been exacted by the French from their convicts in New Caledonia. In fact their mismanagement there has been, and remains, a national scandal.

The most extraordinary laxity and license have been granted to the worst of the offscouring of the mother country, even to murderers and violators of the blackest dye. Impunity and indulgence have been allowed them, in place of merited punishment of the severest kind. M. Moncelon mentions the case of a convict sentenced to death three

times, for different crimes, but who was thrice pardoned and then liberated. In another instance, a female monster who had killed her two children, was pardoned and permitted to marry; after which she murdered a third child. Such are the wretches who, in New Caledonia, receive, after a brief term of congregate imprisonment, free grants of land, with tools, money, and a guaranteed maintenance for two years and a-half, if needed, after their discharge from their easy detention. They are also encouraged to marry amongst themselves.

Thus murderers and murderesses, thieves and prostitutes, are paired off, from time to time, with official and priestly blessing. In 1884, one of these worthies, within forty-eight hours of his marriage, attempted to cut off the head of his bride, but was re-arrested amid his endeavours. He however managed, after all, to escape into the bush, where he set fire to some huts of the natives. The latter often suffer terrible barbarities from the convicts. On the whole, New Caledonia and the Isle of Pines appear to approximate "hells upon earth."

Another witness, an Australian writer, Mr. JULIAN THOMAS, in his work "Cannibals and Convicts" (London, 1886), remarks respecting French convicts in New Caledonia and the adjacent Islands: "At the *pénitenciers agricoles*, where plots of land were given to 'good conduct' men, and wives allotted to them, there was, and is, a condition of society as abominable as ever existed in the Cities of the Plain. One cannot, to English readers, hint at the infamies which are increasing." (p. 128.)

SECRECY AND PRISON ABUSES, IN GENERAL.

In every country of civilized Europe, the prison systems have more or less tended to develop abuses. It may be replied that such must obviously be the case, inasmuch as human nature is essentially fallible; and that every kind of institution must necessarily, from the constitution of

mundane affairs, be more or less defective. Of course, prisons participate in this tendency; but the point to be regarded is, that for various reasons, there has always been a *special* liability to abuses in connection with these establishments. This results mainly from the degree of secrecy which must *almost inevitably* accompany the recesses of jail life. In some countries, there is little, if any, regular inspection, even on the part of the central Government. In other lands, where a good measure of such vigilance is maintained over many of the prisons, it often happens that some of these institutions, or certain of the departments and arrangements connected with them, still elude due control; and thus gross neglect, or cruelty, takes place.

English Court House Detention.

One of the most striking illustrations of this tendency was afforded, in 1887, by the issue of the official Report of a Committee, appointed by the English Secretary of State for the Home Department, to enquire into the condition of the places of detention for untried prisoners in the Court Houses, where Quarter Sessions and Assizes are held. This Committee included one of the Judges (Sir A. Wills), Colonel Sir E. F. Du Cane, Sir Robert N. Fowler, Bart., M.P., and two other gentlemen. Their Report astonished the public and excited the indignant protests of the Press.

For it was shown that, after more than a century of active legislation and philanthropic effort for the improvement of criminal treatment, and after a vast expenditure of money on Royal Commissions, Inspectors and Police, a shocking series of abuses still prevailed in many of the principal towns of the Kingdom, and under the eyes, presumably, of magisterial and corporate bodies, who had been regarded as models of local administrative wisdom. But the "dark places" around, or beneath them, even within a

few yards of their habitual presence, were, meanwhile, literal "habitations of cruelty."

This Government Committee stated that only a few of the 189 Court Houses of England and Wales, were in a really satisfactory state; whilst they added "Many are as bad as they can well be. And it is not too much to say of some of these, that, in them, nearly every requisite of humanity and even of common decency is wanting." The Committee recorded that in some Courts "the worst evils of that promiscuous association, against which it has been a primary object of modern prison-discipline to guard, must be encountered for hours and even days together, by children, women and men, who may be, and some of whom are, *innocent*."

In other places the persons awaiting trial were kept separate, "but by means which appear to be capable of amounting to positive torture," that is to say, by locking them up in narrow cells, or rather cupboards, less than a yard square! Some of these were dark, damp and cold; others overheated with gas and very deficient in ventilation. Many of them had no seats for the inmates, others only seats of stone, or iron.

The Committee added, in regard to the separation of the sexes, that "even this elementary requisite of decency and good order is not always provided for." They continued: "In some cases the offices of nature, if performed at all, must be performed in the presence of from two to eight or ten spectators, and the odours of the closet, or pail, must be added to the products of the gas burner, and to the necessary exhalations of humanity!" Places characterized by this shocking indecency were named. Of one of them it was stated: "At the City Court where there are sometimes four prisoners, there is an earth-closet for prisoners and warders. There is not so much as a screen to isolate the person using it. At another place where five are sometimes confined together, an earth closet in the

middle of the cell, without any partition or screen, is the accommodation." Elsewhere, in certain localities named, the Committee report that "there is no water-closet, or privy, or other accommodation of any sort."

In such places and under such conditions, for hours or days, children and young women, many of them virtuous and absolutely innocent, have been crowded together with thieves, prostitutes, and all manner of vile characters. In addition to this, during the transit from the jails to the Court houses, or from prison to prison, many of these persons, innocent and guilty alike, have been habitually subjected to the company and insults of the vilest offenders.

The Home Office Committee were informed, by the governor of a large jail, from which the prisoners have to be taken a considerable distance to and from the court in a non-cellular van, "that he thought any decent man would gladly compound for that ride by a month's imprisonment." The report remarks that the miseries of vile association, in the court-cells and waiting rooms, and on the way to and from them, "must be, to a respectable man or woman, mental or moral torture." And it is added, "What are we to say as to its influence upon boys and girls?"

It is particularly to be remembered that this Committee disclosed abuses which have gone on, for generations, in places where many excellent and observant magistrates and philanthropists have been residing. Seeing that the gross abuses laid bare in this official report, had long continued uninterruptedly, up to 1887,* in England, with its unsurpassed public freedom, private beneficence and newspaper and official vigilance, what ground is there for surprise at the existence of prison abominations in despotic Russia, Morocco, or Turkey?†

* Of course, the publication of the Report has caused material improvements in these English Court Houses since 1887.

† In the London *Christian*, of June 17, 1887, PROFESSOR DE LAUNAY, Ph.D. (whom the writer met in 1888), is quoted as stating that within his own recollection, horrible secret murders were committed by the

Wherever there are prison walls and wards, there is almost inevitably involved *a dangerous secrecy* of administration, arising either from the absence of adequate inspection, or from the frequent inertia and habitual optimism of the officials concerned. Whilst the British Inspectors of prisons were regularly visiting those establishments, the Court Houses were exempt from their examination. But meanwhile, even in the *inspected* prisons, from time to time, circumstances have transpired which have given ground for great public dissatisfaction, and have awakened suspicions as to further possible evils which may have continued to be effectually concealed.

Dr. Wines on Dark Places.

The late Dr. E. C. Wines, of New York, who had probably visited prisons more extensively than any other man in the United States, and who was by no means a severe critic, has well remarked in his great work on "The State of Prisons," (Cambridge, U.S., 1880,) "The dark places of the earth are full of cruelty—and prisons are exceedingly dark places—in the sense of being screened from observation. Their walls are as effectual in keeping critics out as in keeping culprits in. The class of officials, who look upon the inmates of their institutions as mere subjects for discipline and severity, have a thousand ways of evading any real supervision, or any searching scrutiny." (page 623.) There is, and always must be, a certain extent to which these words are applicable to every description of jails and places of detention, whether comparatively bad or good, as to their general aspects.

authorities of the "Holy" Inquisition at Rome. A personal friend of his own, M. Rezè, thus disappeared, after being taken into ecclesiastical custody. Cardinal Mezzofanti is also quoted as having borne testimony to awful secret assassinations in Rome, in the name of religion, even in the nineteenth century, in certain dark places of quasi "sacred" cruelty.

Only certain approximate remedies can be secured in reference to the dangers of abuse in prisons, especially in those which are located in places remote from cities. It is, however, of primary necessity that the work of INSPECTION and the reception of APPEALS, in regard to abuses, should never be exclusively vested in the central authorities, or in the actual administrators of the prison department. In some way or other there should be provision for some INDEPENDENT REPRESENTATIVES of the local Press and of the local respectable Population to have access, under reasonable conditions, to the prisoners of every class. Very little has, as yet, been permitted effectually, in this direction, in any country. It should be practically recognised, as a fundamental axiom, that *no* executive department, and least of all a largely secret one, can be safely entrusted with the chief or sole exercise of inspection *over its own* sphere of action. That should be placed, somewhere, clearly *outside* of its own influence. But how rarely and to how small an extent has this been provided for, in regard to prisons and their inmates, even in Great Britain. Hence, more than a few prisoners have been seriously injured, and subjected to injustice and oppression.

AMERICAN PRISON ABUSES.

Whilst the prison systems of the Old World have been so generally characterised by defect and failure, the experiences of the great Transatlantic Republics, in this department, have been, in some respects, even more unsatisfactory. The populations of the American States have included such a large infusion of the wildest elements from Europe, that there has prevailed amongst them a far too general sympathy with license and disorder, or at least a too frequent reluctance to impose upon the vicious and the violent those stern restraints, and that salutarily unpleasant discipline, which are absolutely necessary to protect the honest and industrious classes from being made a prey

of, and to shield from outrage and cruelty the virtue of women and the innocent weakness of children.

Hence there has often been manifested in America, and not least in the United States, that grandest and dominant nation of the New World, a combination of mischievous laxity and indifference in regard to offenders. Whilst the infliction of direct physical cruelties upon prisoners has been more zealously guarded against in some of these democratic States than in European countries, the extreme license often secured for criminals has resulted in immense injury to the virtuous and orderly portions of the community.

Popular Transatlantic sentiment, in reference to law-breakers, has been represented by three sets of opinion. First, and most extensively, an easy indifference or recklessness, as to crime-prevention in general, and as to its repression in particular, except by such means as involve the cheapest temporary removal of absolutely insupportable offenders. Secondly, maudlin sentimentality on the part of many well-meaning persons, who have ignorantly sought to improve upon the Divine wisdom, and upon the operation of the fundamental laws of moral discipline, by rendering the condition and treatment of evil-doers a positive source of encouragement to themselves and of strong temptation to those who are struggling to remain honest and thrifty. There are few forms of cruelty ultimately more fruitful in suffering than this action of certain quasi-philanthropists, or religionists, who thus render more smooth and easy the downward path of the thief, the wilful vagrant, and the ruffian. The slothful and self-flattering indulgence accorded by such persons under the guise of a false "charity" and a spurious "piety," is responsible for a large amount of terrible suffering in the shape of murder, rape, robbery, and fraud, perpetrated upon the best portions of the community by those whose reformation and deterrence have been alike sacrificed to

this cruel laxity. The United States have probably a larger proportion of this spurious philanthropy than any European nation.

Thirdly, there is in America a minority, and happily an increasing one, who, with wisdom and true humanity, are striving, by judiciously discriminative action, to deliver their country from the evils of criminality. They have been represented by such persons as the Hon. EDWARD LIVINGSTON (Secretary of State); by the Pennsylvanian prison-reformers, as CALEB LOWNES, W. BRADFORD, PHILIP C. GARRETT, E. TOWNSHEND, R. VAUX, J. J. LYTLE, M. J. CASSIDY, J. J. BARCLAY, Dr. C. WISTAR, Dr. OURT, J. T. MILLIGAN, J. W. LEEDS; and by such able exponents of penological science as Professor FRANCIS WAYLAND, and the two PILLSBURYS, of Connecticut; H. G. GRADY of Georgia; CHARLES F. COFFIN, of Indiana; C. D. RANDALL, C. V. R. POND, ROBERT A. PINKERTON, ISRAEL C. JONES, W. HUMPHREY, E. H. HICKOX, HENRY W. LORD, J. NICHOLSON, of Michigan; THOMAS EDDY, ISAAC T. HOPPER, ISAAC V. BAKER, C. D. WARNER, C. D. KELLOG, Dr. FOSGATE, Dr. LIEBER, CHARLES L. BRACE, W. P. LETCHWORTH, W. M. F. ROUND, Dr. E. C. WINES, Hon. H. SEYMOUR and A. A. BRUSH, of New York; Dr. F. H. WINES, CHARLES E. FELTON, G. MACLAUGHREY and J. W. PLUMMER, of Illinois; F. B. SANBORN, G. W. CABLE, G. TUFFTS and W. F. SPALDING, of Massachusetts; E. T. DOOLEY, Mr. WOODWORTH, and E. R. HIGHTON, of California; General BRINKERHOFF, Ex-President HAYES, and Dr. A. G. BYERS, of Ohio; A. O. WRIGHT and A. E. ELMORE, of Wisconsin; NELSON VIALL, and SAMUEL AUSTIN, of Rhode Island; G. S. GRIFFITH, of Maryland; F. S. DODGE, of New Hampshire; S. ALLINSON, of New Jersey; G. S. BEAN and W. RICE, of Maine; H. H. HART and Dr. M. G. DANA, of Minnesota; Dr. P. D. SIMS, of Tennessee; and others of the past and present, in various parts of the country. These earnest workers have directed much attention to the

means both of the prevention and repression of crime and pauperism. Their aims have found special support, of a collateral nature, from the advocates of Temperance, by means mainly of moral suasion, as for example the late JOHN B. GOUGH, and also F. F. ELMENDORF, and ANDREW PAXTON of Chicago (the chief organisers of the very useful LAW AND ORDER LEAGUE, of the United States).

Such valuable bodies as the "National Prison Association of the United States," the smaller local societies for similar objects at New York, Philadelphia, and elsewhere, the "United States Social Science Association," and also the various "State Boards of Charities and Correction" have rendered most important services in the direction of penal reform, and constitute centres for the co-operation of many of the best men and women in the country.

But there still remains to be accomplished a vast work of education of the popular American mind in order to bring general sentiment to a healthy condition in regard to the prevention and treatment of crime. Powerful currents of morbid feeling are still mischievously prevalent. That this is the case, was afresh illustrated at the National Prison Congress at Atlanta, Georgia, in 1886, a gathering which was described as the largest assemblage of the kind ever held in either Continent. Some excellent addresses and papers were forthcoming on the occasion; but there was also so much morbid sentimentality propounded that one of the chief speakers complained that the Congress "had gone off into the region of gush." A number of foolish suggestions were made in favour of continuing and even increasing the practice of pampering criminals in prison. Dr. F. H. WINES wisely protested against this course, as having been already carried to a pernicious extreme in various States. He remarked, "The fare in some prisons is alarmingly good. At one jail he had found that, for breakfast, the inmates had beefsteaks, hot biscuits, butter, and, in general, a bill of fare that would do

credit to an hotel. For dinner they often had pies, after a full list of substantials; and preserves were frequently given to the prisoners with their tea."

The dietary, even in that which may be regarded as the best prison in the United States, the cellular State prison at PHILADELPHIA, must often be a subject of envy to the poorest classes outside. A description of it, in Dr. F. H. Wines' *International Record*, February, 1888, says, "The food is most wholesome and substantial, consisting of mutton-stews, baked pork and beans, vegetable soup, sauer-kraut and ham; and on Sundays excellently baked beef-pie." It is also remarked that, in the same prison, "The men are allowed every weekly newspaper published," and that "musical instruments of every description, excepting the cornet and drum, are permitted, and every evening, from six to nine o'clock, the prisoners make the night hideous with their combinations of musical airs." They also have a library of ten thousand volumes. This prison has 725 cells; but in 1888 the number of inmates was more than 1,000, so that some cells contained more than one inmate. The establishment is effectually guarded at night; for it is further added that "Twenty-three of the most tremendous Siberian blood-hounds and bull-dogs howl and snap out, night after night, their horrible cries of warning, as they run in and out between the blocks in their desperate search for human blood."

Not long before the date of the Congress of Atlanta, an observant English traveller, Mr. WILLIAM SAUNDERS (sometime M.P.) recorded, after a visit to America, "The Eastern United States are overrun by a set of sturdy beggars. It is dangerous to walk after nightfall (in the city suburbs) for these wild men. Throughout the country districts tramps walk into houses, sit down unceremoniously, and demand assistance, at the risk of the barn and haystacks being fired. If, at length, a man is sent to prison, he finds it a little paradise, where all his earthly wants are anti-

cipated and his intellectual and spiritual aspirations duly provided for. As for food, he gets the best the country can produce, served with such cleanliness and attention as would cause any hotel to be crowded. When a friend was driving me home, I remarked, 'How many ladies you see driving in America!' 'Yes,' he said, 'you see a good many, especially on this road, which leads to the gaol; they are constantly going there to visit their friends.'" Mr. Saunders added—"Robbery is so easy in America that it requires but little ability to succeed in that line; and yet great robbers are generally regarded as heroes. One of these robbers, who, it was estimated, had ruined more widows and orphans than any other scoundrel in New York, was sentenced to five years' imprisonment. The judge was so affected, on passing sentence, that he blubbered profusely; and the whole court wept. The absurd degree of tenderness manifested towards criminals in the States is the most serious feature in connection with the subject of fraud." ("Through the Light Continent," p. 369.) But such offenders as these pestiferous tramps and ruinous villains, when occasionally caught, are pampered, at least in many American jails, in the manner already described!

A paper by a popular American author, Mr. C. DUDLEY WARNER, in the *New Princeton Review*, 1887, characterised many of the United States' prisons as being "still barbarous in management," whilst others which are accounted "model" jails, and as under specially humane management, "soften the rigours of imprisonment by means of entertaining lectures and readings, concerts, holidays, anniversary dinners, flowers and marks, for obedience to rules, which shorten the term of confinement." But, the reviewer significantly asks, in regard to the extreme indulgence of the latter class of establishments, "*Do* these reformed prisons *reform?*" He shows that there is justification for the views of a wise minority of the population, who hold "that all this better lodging and better feeding of convicts

is nonsense, *because it does not diminish the volume of crime.*" Mr. Warner continues—"The American public mind has not yet come to have any faith in the 'reforming' influence of our 'improved prisons.' *Why should it?*" He further exposes the unwisdom of the course adopted, both in the United States and Great Britain, of repeated short sentences on habitual offenders, for whom, he says, "We pay immense sums for a police to watch men and women, perfectly well known to be criminals, lying in wait to rob and murder; and other immense sums to catch and try, *over and over again,* these criminals, who are shut up for short terms, well cared for, physically rehabilitated, and then sent out to continue their prowling warfare against society."

The extreme laxity extended to the criminal and vicious classes, in the United States, is often accompanied by a disregard to their moral reformation, which practically results in much cruelty, especially in the larger convict establishments of the South, which include a considerable proportion of negroes and mulattoes.

"Leased Out" Convicts of the South.

In some of the Southern States a system has long been adopted of "farming out" all, or most of the convicts, to contractors, for labour in the open air, chiefly on plantations, or in the construction of railways and canals, or the working of coal mines. These States virtually conclude—"We will not burden ourselves with the outlay of a dollar for the support of our rogues. They shall maintain themselves, at whatever cost to them, whether of life or limb, even if the result ruins them body and soul. And if they are re-committed they shall be sent for a further long period to re-undergo the same process. If they are worked to death in consequence, let it be so. That is for them to

calculate. It is no matter of ours. We are determined to be rid of them; and, whatever the criminals may suffer, they shall not have our shoulders to bear them up, or our purses to pay for their deeds."

Hence some of these States have been able *entirely to dispense with* any regular administration of convict prisons. And they have, by leasing out all the convicts at so much per head to private speculators and contractors, managed repeatedly to obtain an absolute profit, or net revenue, from the whole body of criminals. The system has the merit of being cheap, at least in its immediate operation. And in many instances it may have resulted in removing habits of inveterate laziness. For these Southern States have had little scruple as to the competition of their criminals with free labour. One American prison governor wisely remarked, "We put the house-breaker and the robber, the sneak-thief and the pickpocket, into open competition with honest men in the community around them. We do this exactly. For it was their previous trying to live by vice, without competing in the fields of productive labour, which was just the *essential cause* of the crimes for which they are sent here. We make a short end of that."

The Southern States generally make a speedy end of this vicious exemption from that competitive productive labour which is the divine ordinance for individual and civil occupation. But then they do this also by means of a most unwarrantable amount of cruelty, and by a neglect of their own duties.

In 1884 and 1885, Mr. G. S. Griffith, the President of the Maryland Discharged Prisoners' Aid Society, sent to the English Howard Association, reports of visits made by him to some of the Southern States, where the convicts are leased out to contractors. He noticed that one pernicious tendency of this system is to encourage a merciless prevalence of terribly long sentences. Even little children, in the South, and of both sexes, are committed to this

virtual slavery, for protracted terms; often for the most trivial offences. The reports alluded to, showed that out of 1,243 convicts leased out in GEORGIA, 100 were boys from 10 to 16 years of age; and 400 from 16 to 20 years. In one convict establishment, two little boys were found under sentence of five years for stealing a box of cigars. They were in association with the most atrocious characters. In these establishments, very inadequate attention is paid to the separation even of the sexes. Many wretched infants are born in them. Gross immorality is frequent, both on the part of officers and convicts. At night, the latter are shut up in strong stockades, guarded by bloodhounds and by watchmen parading around with revolvers, which they freely use with deadly effect, in cases of attempts to escape. In the construction of railways, the convicts are also lodged, at night, in stockades, or in waggons, and are guarded by dogs and armed patrols. But the mortality and the attempts to escape are alike excessive. The reports already quoted, state that at one convict establishment, in NORTH CAROLINA, during the preceding two years, out of 1,966 convicts, 237 escaped; 140 died; and 9 were killed while trying to escape.

Subsequent experiences of the leasing-out system show its continuing evil results.

The official State Report of convict disposal in TEXAS (issued in 1887), for the two years 1885-1886, records, for that period, the commitment of "a much larger number of convicts than were ever before received in the same length of time." There were 236 successful escapes from the convict camps and gangs, in that State, during those two years; including one instance where two men "heavily armed with Winchester rifles," arrived amongst a group of prisoners whose guards were only armed with "shot guns," and liberated 36, of whom 8 were not re-captured. In another part of Texas, two other desperadoes managed to release 14 convicts. The same official report mentions that

out of 221 deaths of prisoners, in the two years, "18 were killed outright." These and many similar statements, it must be borne in mind, are made on official authority, and may be regarded as being specially favourable representations of the real condition of American convict camps and gangs. But what tragedies and cruelties, what scenes of despair and misery, do they imply!

The New York *International Record* of Prisons and Charities, in 1887, describing the horrors of the Southern States convict camps, remarks, "It is barbarous to confine women in the same prison-pens with a horde of desperate ruffians who respect nothing under heaven." The same issue of that journal contained a memorial from some of the ladies of Georgia addressed to their State Legislature, in which they plead that "There can be no apology for a system which places the lash and the musket in irresponsible hands [that is, of any negro, or white man, whom the contractors may choose to employ as overseer]; which substitutes vicious criminals for guards; which chains together all grades of convicts; which has neither mercy for childhood, nor protection for the sex of females; where no elevating tendencies are encouraged; where few reformatory influences are allowed; and where brutal instincts are given full play, provided the work of a brute is performed."

As to TENNESSEE, in 1885, the Chairman of the State Board of Health, Dr. P. D. SIMS, issued an official report, protesting against the terrible mortality amongst the convicts of that State. In one of its prisons the annual death rate was 147 per 1,000! Dr. Sims records, amongst other official declarations, "Before these figures, humanity stands aghast, and our boasted civilization must hide her face in shame. We are appalled at their enormity. The once proud State of Tennessee, chivalrous and public-spirited, stands to-day before the world a self-convicted murderer." These are not the words of a prejudiced foreigner, but the

official assertions of one of the chief functionaries of the State.

Such is the treatment of many thousands of prisoners, in various States of the great American Union, in the last quarter of the Nineteenth Century!

American Local Jails.

Amongst the more than fifty millions of people in that vigorous young nation, which has had the advantage of observing all the successes and failures of penal experiments in the older countries of the world, it appears that not only the convict establishments, but the ordinary local jails have been, and still are, with some favourable exceptions, failures, in view of the chief objects of imprisonment. The most reliable statistics of the United States indicate a more rapid increase of crimes and imprisonments, than of the general population. And the most patriotic and best informed of American citizens publicly deplore the scandalous inefficiency of their smaller prisons. The Executive Committee of the National Prison Association of the United States, in their official report of the St. Louis Prison Congress, issued not longer ago than 1874, signed by Dr. E. C. Wines, as Secretary, used these remarkable and emphatic words:—

"If, by some supernatural process, our two thousand jails could be unroofed, and the scenes they conceal be thus instantly exposed to our view, a shriek would go up from this congress and this country, that would not only reach every nook and corner of the land, but be heard, in Scripture phrase, 'to the very ends of the earth'! There might, and would, be a few cheering spots, little oases scattered here and there, in the wide desert of obscenity, profanity, wretchedness, filth, enforced idleness, seething corruption, and dreary moral desolation, that would, at all points, meet the gaze and make every nerve quiver with horror."

So much for the best American information on United States jails, as recently as 1874.

About ten years later, in the *North American Review*, for July, 1883, Mr. Z. R. Brockway, Governor of Elmira State Penitentiary, New York, a man probably unsurpassed in his experience of American prison management, declared "The American jails of to-day are, with here and there an exception, substantially what Howard, in the 18th century, found English jails to be."

A similar general condemnation of American jails appeared in the twelfth annual report of the Ohio Board of State Charities, issued in 1888. That Board included the Governor of that influential and highly advanced State, together with General Brinkerhoff, Mr. W. H. Neff, Mr. A. G. Byers, and other gentlemen. They report, "Of all the public institutions in America, the county jails are the most unsatisfactory; and our Ohio jails are not an exception to the rule. Compared with other States, we have doubtless made more progress than any other; but we are still so far behind the best experience of the world, that we have but very little to boast of. With less than half-a-dozen exceptions, *every jail* in Ohio is *a moral pest-house and a school of crime*." This in 1888, and in one of the most advanced States!

More American Testimonies as to National Neglect.

In the New York *International Record* (1887), an intelligent Californian, Mr. E. T. Dooley, of San Francisco, described the very rudimentary condition of charitable and penal administration, even in the great Pacific State. He remarked, "We have been working, in California, in the main, not merely on wrong theories, but really according to no idea, other than that every social wrong demands an institution as its remedy! That there can be any *science* behind any properly conducted charitable work, seems not

to have occurred to most of us. Our inclination has been to look with suspicion at those who suggest the substitution of principle for impulse, in dealing with the unfortunate. As a consequence, we have been pursuing methods barren of good results." The same writer continues, "Our county jails, all over this coast, are pest-houses and breeding places of crime, in which unfortunates are indiscriminately herded, without regard to age, sex, offence, or sanitary law. The City Prison of San Francisco can only be said to be better than the Black Hole of Calcutta. The State prisons are unwieldy establishments. There is in them no classification of prisoners." He added statistics showing the excessive development of pauperism and crime in California, in consequence of what he terms its "legislation devoid of science or sense," and its well-meant but practically mischievous and most costly array of "institutions, huge, densely-packed caravanseries." If this was a true picture of matters in the splendid State of California, in 1887, more than a century after John Howard's death, it is not to be wondered at, if less progressive American States are in no better condition.

Mr. Dooley's reference to the transatlantic necessity for a scientific administration of charitable and penal institutions, by wise principle rather than by mere impulse, is worthy of universal consideration. It also points to the need which exists in the United States for more permanent officials, and also for a leisured class of thoughtful and independent social reformers. Constant change of office and unintermitting application to money-making, foster costly ignorance and blundering haste in legislation and philanthropy.

At a Prison Congress held at St. Louis, in 1884, Mr. WILLIAM M. F. ROUND, the intelligent secretary, at that date, of the New York Prison Association, read a paper condemnatory of the outrageous condition of the county jails of the United States. He was supported in

his statements by several of the most intelligent men at the Congress, including the ex-Governor of the State of Kentucky. Nevertheless, so unacceptable to the assembly was this faithful picture, that a local journalist remarked, "At the conclusion of his paper, Mr. Round was, no doubt, the most unpopular man in the Congress." The public, in America, desire that their institutions should only be depicted in roseate tints, however black the reality may be.

The worst of jail abuses have been introduced into, and perpetuated in some of the youngest States of the Union. For example, the official report, for 1884, of the State Board of MINNESOTA, contained striking revelations of then existing horrors in the jails of that State. The vilest men and women were allowed free conversation in some of these. The same report remarks: "Ramsay county jail has swarmed with vermin, bed-bugs infesting the cells, whilst cockroaches over-run the prisoners' food. Goodline county jail is a stinking cellar. Douglas county has two dungeons literally underground, like the coal cellars under city pavements." And so on, in many other instances named. The defective drainage of many of these prisons is horrible. Vermin, darkness, and filth are common characteristics. In Winona city jail, the basement was appropriated to tramps. "Apparently the place had not been cleaned for a long time." In another jail, "Five prisoners have escaped through the ventilator, which still remains unprotected." The tramps, however, enjoy the dirty lazy life in many of these dens, because they have fire, good food, cards, tobacco and whisky. But to the more respectable or still unhardened prisoner, such places and the horrible conversation are means of torture. Dr. F. H. Wines, of Illinois, mentions that in one of the prisons of that State, "a white man and a black woman, taken up on the charge of adultery were given the liberty of the entire jail!"

In many American States, and even in Canada, innocent witnesses of grave crimes are sometimes imprisoned

with the vilest criminals, in order to secure their testimony at the trial of the latter! The Minnesota Report, just quoted (1884) mentions the case of a man who was attacked by foot-pads, robbed and beaten. He identified his assailants, and caused their arrest. The robbers gave bail and went free. But their *victim*, being a stranger, could not give bail, and *therefore* was locked up in jail as a witness! In one recent year, 1886, in New York, 317 innocent witnesses of crime were imprisoned!

America sends many missionaries to Asia and Africa. But there is a vast field of labour, inadequately occupied by Christian effort, hitherto, in many of her own States, for the removal of these horrible prison atrocities. To these jails in particular may be applied the words of KING OSCAR I. of Sweden: "In truth, heathenism thrives much better within prisons, than among distant tribes who are still in a state of nature."

It must, however, be borne in mind that amongst the prison officers of the United States, there have been very many excellent persons, such as a recently deceased Director of a Pennsylvanian jail, concerning whom his colleagues record that, "In the management of the prison, his principle always was, in ruling over men, to rule in the fear of God." Such an administrator will enable almost any system to be worked for some good.

And it is in the highest degree honorable to the United States, that so many of these officers and also of the visitors of prisons, have encouraged simple and hearty religious exercises, and especially prayers amongst the prisoners. For example, the Rev. G. H. HICKOX, of Michigan State Prison, Jackson, in a recent report wrote "We are now in the fifth year of our prayer and conference meetings; and the spiritual interest of them has at no time declined. Nor have any of the men, who have attended those meetings and fully given themselves to the Lord, as the Gospel requires, in confession of sin, in

prayer, in cross-bearing, in Christian work, fearing God and not men, been returned to prison, after they have been discharged."

The small body of persons in America practically desirous of remedying the prevalent state of affairs in their prisons, are securing considerable improvements. But the unceasing changes of office-bearers, in every department of Government and administration in their country, place immense difficulties in the way of obtaining good influences over the prisoners, as a whole. In a few of the large State Prisons in the North, a comparatively permanent tenure of office has been secured for the chief employés. The numerous "county jails" remain practically under the frequently changing direction of the local "Sheriffs," men who obtain their well paid office by means of their popularity as prominent political partizans, however ignorant and incapable they may be as to the management of prisoners. Mr. C. E. FELTON, of Chicago, governor, for more than a quarter of a century, of large prisons in America, reported in 1888, "The county jails, in all parts of the country, continue to be footballs to be kicked from party to party, as political power changes. Office and patronage seem to be the only inspiring motives in securing their control. With few exceptions, county jails are abominations throughout the land."

Again the WISCONSIN "State Board of Charities and Prisons," in their Report for 1887, remark of their own State—"An ordinary jail, with its disorder and idleness and indiscriminate association with low people, is a great punishment to any ordinarily decent man, and no punishment whatever to a dirty loafer. In fact, in *many* counties, where the *officers encourage* it, for the sake of fees, the jails are full of *willing* prisoners." (P. 9.) The same Report shows however that some of the inmates of Wisconsin jails prefer liberty, for it is mentioned that at La Crosse prison, "two burglars escaped one Sunday, while a local minister

was preaching from the text, "Cast off thy shackles." The escape was by one of the windows, which was reached by men standing on one another's shoulders, three deep, the top one sawing the bars and tying a rope made of blankets to the window." (P. 113.)

Almost every mail brings statements of the various abuses arising from congregate imprisonment, in America, and also in part caused by the gross corruption and mal-administration connected with the Sheriffs, as the nominees of popular local politicians.

A peculiarly well-informed observer in New York State wrote recently to the English Howard Association as follows :—"Our jails at present are under full control of the Sheriffs: and the Sheriff, in each county, is always or nearly always, the leader of the dominant political faction. He is paid by fees; and in some counties these fees amount to many thousand dollars a year, for each Sheriff. So you will at once see that, in over sixty counties (in New York state alone), the Shrievalty forms a powerful political machine, with places that furnish a sufficient income to make it worth the while of unscrupulous and greedy politicians to spend money to get them."

The popular indifference to this condition of things, in the United States, is amazing. Intelligent as the American people are in some matters, certain sections of them appear to be strikingly ignorant of the immense pecuniary waste and increasing criminality thus so prevalent in their midst. And too often these manifest perverted or ungrateful appreciation of the labours of the penal reformers in their country.

Until a national change in the appointment and functions of American Sheriffs and Justices takes place, there seems to be little prospect of the needful radical improvement in the thousands of ordinary local jails. It may, however, be admitted that of late years, some of the worst scandals, as to insanitary abuses and the non-separation of the sexes, have been, in certain States, materially diminished. Several

of the Prison Associations in America, especially those of Ohio, Maryland, Illinois, New York, Massachusetts and Pennsylvania, have been able to secure some progress in the reform of these institutions.

It is to be particularly observed, that the chief officers of the American *State* Prisons, as distinguished from those of the local jails, include many very superior men and women. This special class is not surpassed, if indeed equalled, in Great Britain.

The democratic spirit of American republicanism comparatively rarely permits the infliction of determined cruelty in these establishments; at least in the Northern States. Their evils consist rather in their corrupting laxity, pernicious association, idleness and general inefficacy, both as to deterrence and reformation. But in the Southern States, frequent cruelty is added to these other evils.

The report of the Canadian Minister of Justice (Ottawa, 1884) contained the following emphatic and general retrospect of the mischiefs of jail association, by Mr. J. G. MOYLAN, Inspector of Prisons for CANADA. It applies mainly to American and Colonial experiences, but unfortunately would serve also as a verdict respecting many European and other prisons, more than one hundred years after John Howard's death: "Society has found, by terrible experience, that her jail, or prison, or penitentiary system, has too often turned out to be the largest factor, and the most successful machine, in the fabrication of the evil it was seeking to destroy."

It may be here remarked, that in the BRITISH COLONIES, and especially in CANADA, AUSTRALIA, and NEW ZEALAND, the local jails, although not equal to those of the mother country in some respects, are, in general, far superior to the similar class of prisons in the United States.

An Indiana Prison.

It is but fair to add that whilst the general system of American jails is much inferior to that of the penal establishments of Europe, yet in some instances the United States have shown that they can provide prisons where the administration is of a high character. For example, the Indiana State Prison for female convicts, at Indianapolis, was, at least when under the direction of the late Mrs. Sarah Smith (a Quakeress), a remarkably well-conducted institution. Scriptural instruction—the Christian example of carefully selected officers and industrial training—were the chief influences here relied on. The women's work consisted of sewing, washing, ironing, cane-seating, and ordinary housework. Five hours were daily devoted to such labour, and three hours to instruction. A State Commission reported that most of these women turned out well after being discharged; that they became excellent housekeepers, and that there were more applications for them, on liberation, as domestic servants, than could be met. Yet nearly all of them were, on entry, apparently incorrigible and defiant. But whether the comforts and special advantages thus enjoyed by women, previously the most debased, and most violent and mischievous in the State, were calculated to deter other offenders, or, on the whole, to diminish external crime, is a matter for some question.

In the report of that prison, issued 1884, the last one prepared by Mrs. Smith (who then retired on the ground of failing health, to the deep regret both of the prisoners and of the State authorities), she mentioned, as an instance of reclamation, the case of one of the worst girls in the establishment, who, on the expiration of her imprisonment, pleaded, "I don't want to go." However gratifying to a kind officer, such an exclamation may have been, there is

something in it which bears upon the subject of the general repression and diminution of evil-doers in the surrounding population. The very pleasant treatment of these women may also afford some modifying and collateral reply to Mrs. Smith's question in the same report. She asked: "What but the power of Divine Grace could have subdued and restrained 250 of Indiana's lowest and most degraded women, working together, often with unlocked doors, and exercising on the open ground? In ten years, only one has attempted to run away whilst out for exercise."

It may be replied, with the profoundest reverence for the work of Divine Grace, that it is, nevertheless, a very natural and obvious fact that, for such a class of women, a continuous and gratuitous supply of most comfortable food and lodgings, very pleasant surroundings, and kind friends, furnish in themselves a sufficient answer to the above question, and without any need for reference to higher influences. It is to be observed that, since Mrs. Smith's decease, this prison has obtained some notoriety for specially severe punishments.

The Elmira System, U.S.A.

At Elmira, N.Y., there is a widely praised "model" prison, or adult reformatory, of nearly 800 inmates, on a so-called "Indeterminate Sentence" plan, which presents some noteworthy features, though apparently lacking, hitherto, in the degree of religious training, which has been so beneficial in some other prisons. Elmira only receives male felons from sixteen to thirty years of age, on their first conviction, whose sentences, with some exception, are for not more than five years' detention, as the maximum. There is a classification into three grades. On entry, each prisoner is placed in the middle stage. If he does not earn a sufficient number of good marks by his labour, conduct,

and studies, he is put down into the lowest grade. But if he obtains a good rank in marks, he is promoted, in six months, to the highest one. If he remains for six months in this, he may be liberated on parole for half a year; but he can remove into another State, or elsewhere, out of reach, if he chooses to do so. If his conduct during that period is clearly known to be unsatisfactory, he is re-called to prison for the remainder of his term, if he can be arrested; but if he has avoided misbehaviour whilst on "parole" he is absolutely released from liability to undergo the remainder of his sentence.

The prisoners at Elmira are kept at labour for eight hours daily. The educational, or rather collegiate training of the inmates, is a most prominent feature. About a dozen of the professors or teachers of colleges and schools in the vicinity are engaged to instruct classes in the prison, and to deliver lectures on various topics. The Governor states that these include Writing, Drawing, Designing, German, English and American History, Business Law, Arithmetic, Physical Geography, Economics, Practical Ethics, Political Science, &c. Very thorough examinations on these and other subjects are periodically held, by means of comprehensive series of printed questions, and by oral questioning. The amount of proficiency displayed tends to increase the prisoner's "good marks" proportionately. There is, in the prison, an "experimental school of industrial art" for practice in the work of terra-cotta, encaustic tiling, modelling, and designing from nature, embossing in brass, moulding metal pieces ornamentally, executing portraits in hammered copper, and so forth. Some of the convicts are also trained in telegraph-printing and shorthand. A paper written by a prisoner in Elmira, on a cold snowy day in January, 1888, compassionately alluded to the wretched homes, almost visible from the walls of the establishment, where ill-clad and ill-fed children and wives of unemployed or weary men were crouching in the cold, and contrasted

their lot with that of the convicts; adding, "Here, at this prison, 'tis the dinner-hour; up from the great dining-hall below rises the fragrant odour of good food, and the hum of animated voices, with rippling laughter interspersed. The food is hot, and sufficient as to quantity; the apartments are warmed with steam, and, after the short day is past, the electric light brightens things for the long evenings; long but not dreary, for books are abundant." The convict writer complacently inquires whether, with such a contrast of reward, "Is godliness profitable?" or the contrary? But he admits that, after all, liberty has charms.

The Directors at Elmira furnish a list of what is termed by them a "Reformatory Library" of the "very best contemporary publications," amongst which they specify the novels of Alexander Dumas, Eugene Sue, "Ouida," Bulwer, Jules Verne, and others. There is a liberal supply of newspapers and periodicals. Further, a newspaper named the *Summary* is edited, printed, and published every Sunday, in the prison.

Before the prisoners are "paroled" it is in general arranged, either by their own friends or by the correspondents of the prison managers, that suitable situations shall be secured for them. This is a very great additional boon.

It is claimed that eighty per cent. of the Elmira men thus become reformed. Even if it be so (and the matter is open to question) such a result, however good in itself, is quite compatible with an absolute increase of criminality being produced amongst the outside community, by the knowledge that the discipline of so large an establishment furnishes so many advantages to the evil-doers, and is in so small a degree calculated to deter. Nor is it to be regarded as a matter for unmixed satisfaction that a certain small proportion of convicts discharged from Elmira have voluntarily returned thither for shelter and support when failing to find independent occupation. The Report in 1888,

stated that out of 1,722 prisoners "paroled" in the past eleven years, 156 had been sent to other parts of America, and that 25 had willingly returned to the prison for re-admission.

The writer communicated his apprehensions as to the undue laxity of the Elmira system, to the Governor or Warden of that establishment, Mr. Z. R. Brockway, who replied in a very courteous letter vindicating the plan adopted there. He wrote: "So-called indulgences are freely used for their value, as promoting reformation, and I hold that, in a Reformatory, any really reformative agency may properly be introduced."

Now, with all due respect to this experienced officer, it may be gravely doubted whether, for the class of persons at Elmira, such a disproportionate weight should be attached, as it may be feared is the case, to the effect of the treatment adopted, upon the prisoners inside, as compared with its influence upon the millions of persons outside. For Mr. Brockway mentioned that the inmates include criminals whose offences are of the gravest descriptions, although receiving imprisonment for the first time. They include burglars and even murderers! Now can it be just to any community that murderers, even of the "second degree," should be merely sentenced to a *maximum* of five years' detention, of which half or more may be worked off by good behaviour in prison, whilst the other half may be lightened by courses of collegiate lectures, novel reading, artistic training and so forth; and whilst, at the same time, food, clothing, and shelter superior to that of millions of virtuous persons are abundantly supplied? It is somewhat suggestive that the Official Report for 1888 records—"Since 1883 there has been a steady *growth* of the annual average population here, from 495 in 1883 to 785 in 1887."

With much deference to Mr. Brockway and to some American philanthropists, who have remonstrated with the

writer on his views hereon, the latter cannot but consider the indulgences at Elmira, for such classes at least as burglars and murderers, to be a real *cruelty* to the lives, limbs, and security of the millions of honest persons in the community at large. *Their* security should be the *first* consideration, and even the reformation of the individual murderers and ruffians the *second* and subordinate one. By all right means the reclamation of the prisoners in custody should be attempted. But it needs to be remembered that this is not the *primary* object to be regarded.

The *principle* of "Indeterminate Sentences," if true to their appellation, ought also to involve, as a most important essential, some provision for an indefinite prolongation of the custody of the unreformed or resolutely vicious criminals. This is not the case at Elmira, where a five years' period is, with perhaps some little exception, the maximum term, on obtaining which the prisoner must be set at liberty, however unfit he may be for rejoining the ranks of freedom. It is hardly to be contended that this plan possesses the merits of the existing "Conditional Liberation" System of Great Britain, which has its very important adjunct of Police Supervision as some security against mischief from the offender. (It may be here mentioned that, in 1888, further similar prisons on the "Indeterminate plan" were in existence in various American States, as in Ohio, Massachusetts, and elsewhere.)

When, more than fifty years ago, about 1835, the Bavarian Government made some experiment of Indeterminate Sentences, under the management of M. Obermaier, many criminals were committed to prison without having any fixed period prescribed for the duration of their detention. They might be retained for five, ten, or more years, until their habits and dispositions appeared to be radically reformed.

Since writing the above, the author has received from Mr. E. R. Highton, State Commissioner of Prisons for

California, a Report to the Governor of that State, strongly condemning the Elmira system, after careful personal investigation. Mr. Highton also quotes another report, from the physician of Elmira Prison, who says that in a recent year, two murders were committed *inside* that institution, and also that the inmates were characterised by "the prevalence of syphilis." But Mr. Highton speaks in the very highest terms of Mr. Z. R. Brockway, the Governor. It is the system only, which he decisively disapproves.

Common Dormitories in European and other Prisons.

Not only in a large proportion of the American jails, but also in most of the prisons on the Continent of Europe, there still continues the very objectionable feature of common dormitories, where the prisoners have abundant opportunity, at night, of corrupting association. The writer has observed, in various Continental prisons, well managed in some other respects, that the narrow beds, or "bunks," in the dormitories, are so close together, that a space of about five feet by five contains the ends of four of them. They are thus so placed that each sleeper is only a few inches apart from his neighbour at his side, and only about eighteen inches below another neighbour lying immediately overhead. About fifty beds may be thus crowded into a comparatively small chamber. Such nocturnal overcrowding may be seen in some of the prisons, even in countries where much attention is devoted by the authorities to certain aspects of the discipline. This is a condition which cannot but be very pernicious to the morals and future conduct of the inmates.

Unfortunately the state of the dormitories in the dwellings of many of these criminals, whilst in a condition of freedom, especially in the overcrowded slums of large cities, is almost as bad, if not worse; but this is not a justi-

fication for a perpetuation of the evil in Government establishments, designed, at least professedly, to promote the moral reformation of the inmates.

Yet the carrying out of the important, or rather the essential principle, of salutary separation, from both physical and moral corruption, by day and by night, in prisons, necessarily causes a heavy expenditure for the erection of the buildings adapted to the object in view. And in such proportion there is involved at least a temporary increase of the burdens of the honest taxpayers. Both the observance and the neglect of due prison requirements involve alternate inconveniences.

Revolts in Prisons.

Perhaps few persons take much cognisance of the serious evils indicated by the single fact that revolts and savage assaults on officers are a frequent characteristic of prisons, all over the world; except in the comparatively small number of them maintained on the strictly separate system. There lies before the writer a very imperfect list of such as have taken place within a recent period of five years, 1884-1888; but it furnishes more than forty instances of these occurrences, some of which involved great loss of life, and nearly all of them grave injuries to warders, or prisoners, or both.

For example, in January, 1888, a revolt of Russian convicts took place in the Caucasus; in the suppression of which many soldiers and prisoners were killed. In the spring of the same year, 500 inmates of Beaulieu prison, in France, mutinied, and two detachments of soldiers were sent to reduce them to submission. The "Bulletin" of the French Prison Society remarks, that within the year ending April, 1888, eighteen revolts had occurred in the 17 central prisons of France! In April, 1888, also, a body of Mexican convicts, at Calaya, set fire to a building where a bull fight

was going on. Such terrible confusion ensued, that 18 persons were killed, 68 injured, and the prisoners escaped. In March, 1888, even in one of the English jails, at Armley, Leeds, three prisoners being left in the same cell, one of them killed another. In April, 1888, nineteen prisoners and police were killed in a revolt at the prison of Damanhour, in Egypt.

In 1887, at Revel prison, in Russia, 300 convicts mutinied. Twenty of them were killed, and others wounded. A month later, at Mountjoy prison, Dublin, some convicts desperately assaulted a warder. In 1886, similar assaults occurred in the convict prisons of Portsmouth and Portland, in England. The same year, a revolt broke out in Montreal prison, Canada. In quelling it, seventeen persons were shot, several of them fatally. In 1886, a French convict ship was the scene of a revolt which resulted in many injuries. The same year, various other serious mutinies took place in French penal establishments. In 1885, at Khokand prison, in Russia, during a revolt, more than ten prisoners and officers were killed. The same year, in a New South Wales prison, a disturbance took place, resulting in a warder being shot dead. In 1884, at another Australian prison, Pentridge, near Melbourne, a disturbance took place, also with fatal consequences. The same year, several disturbances and assaults, at Dartmoor convict prison, England, attracted considerable attention in the public press. In 1884, at Mandalay, in Burmah, a revolt of many hundred prisoners took place. This was suppressed by the stern process of a regular massacre, during which 200 lives were sacrificed. The same year, a comparatively minor outbreak occurred in Frankfort prison, U.S.A., when three convicts were killed and others injured.

And it is to be remembered that many disturbances and serious assaults in prisons are carefully hushed up by the authorities of the various countries, who are most anxious to prevent the publicity of such occurrences. Hence it may

fairly be inferred that the events of this kind which come to light, are but examples of a much larger number which are successfully concealed; or that, at least, these are but the more flagrant cases, which cannot be hidden.

Even in Reformatories and Training Ships, the aggregation of young offenders frequently leads to evils of a less tragic nature. The English and Scotch institutions of this description have repeatedly, of recent years, been the scenes of mutinies and incendiarisms. In 1886, at a French reformatory, a disturbance took place, and 37 boys escaped. They were pursued by armed men, and shot at! Two of the poor young fellows were killed. One of the bodies was found to have received 67 shots, of which five had entered the heart.

A General Inference.

On the whole, it is very obvious, even from the limited survey here taken of the recent and present condition of penal establishments in all parts of the world, that they are, at best, very unsatisfactory and very incomplete institutions. They possess, when under good administration, a certain amount of efficacy; but this is so restricted by the inevitable defects of every system of incarceration, that it has become a most important problem for the statesman, the jurist, the tax-payer, and the philanthropist, to consider the practicability of greatly modifying many of the practices and principles which have hitherto been prevalent in this department.

Chapter III.

PRISON SEPARATION AND CLASSIFICATION.

The First Essential.

The separation of prisoners, *from each other only*, and for duly limited periods, is a first essential of good discipline, and an indispensable condition of success in penal treatment, whether intended as deterrent or reformatory. It is also the best, if not the only efficient basis for classification. It is the safest and ultimately, though not immediately, the cheapest arrangement for adoption in criminal institutions.

It should involve, and this is always necessary to be borne in mind, the collateral condition, of the substitution of *good* personal influences for bad ones, together with constant useful occupation of body and mind. Mere cellular isolation should not be regarded as the sufficient condition for right separation. It has been one of the most pernicious and persistent hindrances to penal reform, in many nations, that *solitude* has been so often considered as being identical with *separation*. The terms "solitary" system, "silent" system, and "separate" system, have been, in the popular mind, and even amongst many persons of general intelligence, confounded, as being three expressions for the same thing; whereas they are each different from the other. Silence may exist with the association of numbers; and effectual separation from evil association may be secured, in conjunction with the daily companionship of suitable persons.

The cell is most useful, and even indispensable, as a pre-

liminary condition of separation. But it is only one element towards that end. When cellular imprisonment becomes absolute solitude, it is, if unduly prolonged, a serious evil, an unwarrantable cruelty, an outrage on humanity. Solitude is one thing: wise separation is another. Continued isolation is unnatural, and ruinous to mind and body. Whereas, separation from evil association only, is most beneficial to its subjects.

Varying Meanings of the Term "Separate System."

The persistent injury which is often inflicted upon certain objects, by means of erroneous names, or objectionable ideas, which have somehow become associated with them, has long been illustrated in the history of what is usually termed "The Cellular System" of Prison Discipline. Owing to various misrepresentations, on the part of opponents, and in hardly less degree, to confusion and ambiguity on the side of its advocates, this name has too frequently conveyed the idea of a prolonged isolation of prisoners, in separate cells, without visitation, or companionship of any kind. In some countries, and to a comparatively very small extent, such a mode of treatment has been actually practised; and, as might be expected, with disastrous results. In several of the American States, formerly, and occasionally in some European countries, prisoners have been confined in separate cells, or dungeons, for years together, with little or no occupation, and with no association with their fellow-men, except the daily visit of a gaoler. Thus pining between the dismal walls of their living tomb, their minds have, in many instances, given way, and they have become idiotic, or mad, or have gradually wasted to death. Similar results have ensued where, even under less rigid conditions, it has been attempted to substitute life-long separate confinement, instead of capital punishment. In such cases, many of the unfortunate objects of the experiment have

not really been exempted from capital punishment, but have undergone that penalty, under the more cruel conditions of an execution prolonged over a period of years.

The fact is that the term "cellular system" or "separate system" has often been applied to very different modes of discipline. The name has represented a variable condition rather than a fixed one. The "cellular system" of one country, or of one period, may not be at all identical with the so-called system of the same name, in another country, or at another period. Thus the original cellular treatment at Pentonville and Coldbath Fields Prisons, in London, was much more rigid than that of Louvain and other Belgian prisons; whilst the corresponding system in New York State, during the term of its unfortunate experience there, was incomparably more severe than the Pentonville plan. The treatment in certain Dutch, Danish, Norwegian, and German cellular prisons has also undergone a series of modifications, in accordance with the experiences of successive years.

Hence the advocates and opponents of cellular separation have often, if not in general, assumed for it an identity and continuity of character which it has never really possessed.

Great impediments have been placed in the way of prison-reform, in this direction, by extreme opinions and hasty conclusions. Thus certain observers, having noticed the decided advantages of cellular separation for comparatively *short* periods, rushed to the unwarranted conclusion that the same discipline might be safely and beneficially extended over very *long* sentences, or even life-long imprisonment; an inference wholly unsupported by practical experience, and contrary to the laws of human nature. These extreme views, in support of the cellular system, have produced equally exaggerated objections to its moderate and rightly conditioned adoption. And, on the whole, it is perhaps difficult to determine whether this great funda-

mental principle of all prison and penal reform, the separation of criminals from each other, has been most retarded by its friends or by its foes.

Howard and Ducpetiaux urged by Experience.

John Howard was awakened to the effects of prison association by his own personal experience of its disgusting evils, in a French jail, to which he had been consigned—after his capture at sea by a privateer—during a time of war between England and France. Thenceforth he steadily advocated separation, industry and other conditions of improved prison discipline.

In like manner M. Ducpetiaux, the eminent administrator of penal reform in Belgium, was aroused to the necessities of the subject by his own sufferings, as a political prisoner, prior to the Belgian Revolution of 1830. Whilst in confinement, his feelings of decency and propriety were revolted by his enforced association with vile and filthy companions. He became profoundly convinced, from his own observation, that association renders imprisonment less punitory to the worst class of criminals, and more so to the less degraded. Just in proportion as a man is debased, he will enjoy the companionship of corrupt comrades. And it affords additional pleasure to the worst wretches in prison to corrupt others, who may at first be less familiar with evil than themselves.

After the Revolution of 1830, M. Ducpetiaux received from King Leopold I. favours and rewards, as some compensation for the imprisonment which his previous political partisanship had brought upon him. The office of Director of Prisons was ultimately conferred upon him. And thus, by a curious turn of events, he was placed in a position to give practical effect to the convictions which the mischief of associated imprisonment had so deeply impressed upon

his own mind. But before committing himself to a decided and final plan of reorganisation, he instituted a further series of observations and inquiries as to the effects of the existing system. An overwhelming concurrence of testimony confirmed him in his conclusion that the associated plan was a welcome indulgence to the vile, a cruelty to the novice in imprisonment, and a corrupting evil to all.

From that time M. Ducpetiaux pursued a steady course of prison reform in Belgium, which placed that country in a leading position in this respect amongst the nations. He received effectual co-operation from King Leopold I., the wise monarch whom he so faithfully served, and also from some able coadjutors, including, in particular, M. STEVENS, who for many years was the Governor of the cellular prison of Louvain, and from M. Berden, and others.

THE BELGIAN CELLULAR SYSTEM.

MM. Ducpetiaux and Stevens proceeded gradually with their reforms. They avoided the extremes and the undue haste of certain American experiments, in this direction, which had led to disappointment and disaster. They did not attempt to subject to a cellular regime the prisoners who were sentenced for very long periods, or for life. They carefully watched the adaptability of the separate treatment according to the circumstances and conditions involved. Whilst seeking the advantage of cellular imprisonment, they diligently endeavoured to balance its dangers by means of the constant occupation, and the very frequent daily visitation of every prisoner; also by fostering industry and hope, and by pecuniary and other rewards.

The chaplains, schoolmasters, and warders, were required to spend many hours a day in the cells with the prisoners, and, by their frequent visits, to guard against separation becoming isolation. Each inmate was permitted to take

exercise in a small separate yard, and might obtain certain indulgences, such as tobacco, a garden plot, or permission to keep a bird. With a share of the money earned by his labour, the prisoner might purchase white bread, cheese, bacon, milk, paper, pens, and other extras. The unspent portion of such earnings amounted to considerable sums, as £5, £10, or £15, on discharge, according to the length of time spent in prison, and the amount of work done. But, in general, the profit thus allotted to the worker bore a minor proportion to the profit earned by him for the establishment. The occupations were very various, such as tailoring, weaving, printing, bookbinding, shoe-making, metal work, watch-making, and carpentering. Skilled trade-instructors were employed to teach some occupation to the large majority of prisoners, who, in Belgium, as in most other countries, are found to be ignorant and unskilled as to industry.

This steadily continued training was the more successful inasmuch as the share of pecuniary earnings once gained by the prisoner was not liable to forfeiture. Such rewards should either be absolutely certain, or only forfeited in accordance with some fixed scale, most carefully arranged and administered with impartiality and merciful consideration. The certainty of the Belgian prison rewards has constituted an important element in the success of the national system. The prisoners have often sent a portion of their earnings to their parents, wives, and families. The moral and humanising tendency of this is a matter of considerable importance.

One of the principal advantages of the cellular plan is its very great ultimate economy to the State. The immediate and first expense of the system, in the cell construction, is more costly than that of associated prisons. But the ultimate expense is very much less. For it has been proved, by many years of experience, that comparatively short periods, as of one or two years of cellular imprison-

ment, are more deterrent, as well as more reformatory, than five or ten years of punishment in association. The statistics of Belgian criminality are not so complete as could be desired; but it is known that a large per centage of diminution, in the recommittals for crime, followed the general adoption of the cellular system in that country. The legislature and the people were so convinced on this point, that they enacted a law greatly reducing the previous scale of duration of punishment. Thus sentences of twenty years' confinement, under the congregate plan, were reduced to less than ten years of cellular imprisonment; other sentences were shortened in similar proportion, so that nearly one-half of the former terms of detention were dispensed with. The cost of maintenance having been thus largely reduced, of course a great saving to the country was effected. At the same time, the prisoners were also, in so much shorter time, restored to their families, and enabled to resume their support of them the sooner. The prolonged and hardening dissolution of family ties, occasioned by very long sentences, was largely obviated. Valuable practical confirmation has also thus been given by Belgium to the too generally neglected truth, that imprisonments are by no means efficacious merely in proportion to their excessive prolongation. Such duration, beyond due limits, rather tends to habituate the offender to penal conditions and to remove from him his sense both of shame and of fear.

The maximum period of cellular confinement in Belgium is, nominally, nine years; but this is a mischievous extreme. Much shorter periods suffice for the generality of offenders.

Perfection is rarely or never attained, either by States, or by individuals. Belgium was no exception to this general principle. Her prison system was not completed. It lacked two very important elements of a perfect system; namely, adequate arrangements for the beneficial visita-

tion of prisons by judicious persons from outside; and especially the establishment of effective societies for the aid of discharged prisoners. Perhaps the efforts of such penologists as M. PRINS, BARON DE LETTENHOVE, M. THONISSEN, and other eminent Belgians may, ere long, secure the needful progress in these directions.

It may, however, be here remarked that sometimes the theory of cellular separation has not been so thoroughly adhered to, in practice, as Belgians would have strangers understand to be the case. Even at Louvain, the excessive terms of nominally cellular separation have sometimes been relaxed, by permitting the prisoners to enjoy opportunities of mutual intercourse. But after allowing for these and other inconsistencies, honour is due to Belgium for the measure of successful separation secured in her prisons, and for the example afforded to other nations in thus attaining a larger measure of deterrence and reformation, and at about half the cost, as to both money and time, as compared with previous systems. Recently there have been manifested, in Belgium, some indications of retrograde action, and of a tendency to forget, or depart from, the wise counsels of M. Ducpetiaux. This is matter for regret amongst foreign admirers of past progress in that country.

FRENCH OPINION ON SEPARATION.

An important French Commission of Inquiry on systems of Prison Discipline, of which BARON DE HAUSSONVILLE was a principal member, reported in favour of cellular separation for the great majority of short terms of imprisonment; and the Government decided to adopt this system, for at least all sentences up to one year's duration. But the pecuniary embarrassments and great national debt of France have tended to limit the outlay, on cellular prisons, requisite to give full effect to this conclusion. As a result

there has been a great increase in those offences which would have been held in check, if separation had been enforced, even to the extent recommended by the Commission.

Some intelligent French penologists have written instructively on this question. The admirable Report on the Stockholm Prison Congress of 1878, prepared by two of the French delegates, M. FERNANDE DESPORTES, and M. LEFEBURE, thus replied to the special objection against the Separate System, commonly adduced by its opponents, that it is opposed to the nature of man, as a social being: "Society exercises both good and evil influences; and it cannot be denied that social forces tend, as surely and directly, to produce crime as to encourage virtue. How inefficient it is to withdraw men from a position where they have only met with bad influences, but where they might possibly have also found some good associations, in order to plunge them into another position, where, from its restraints, its compulsion and its necessity, they cannot possibly meet with other than detestable comrades. You redouble the pestilential intensity of the atmosphere which has already destroyed their moral health, and then you hope to cure them! What precaution will you take against the inevitable contagion of vice, by isolation merely during the night, their meals and their exercise?

"To some extent you will thus avoid extreme debasements. But can you avoid, as soon as the prisoners reassemble, their criminal conversations, their boasting of past misdeeds, and their savage anticipations in common? You reply, 'But the law of silence!' The law of silence is indeed an inhuman and unnatural one. You bring men together; you allow them to communicate with the eye, but you forbid them to converse with the tongue. And then you believe that the intellectual separation, which you thus vainly attempt to secure, is an easier, a more reason-

able, and a more humane separation, than the corporal separation against which you protest. And in the midst of this deadly silence, what would be the social relations which you would maintain? As if the exchange of ideas, by the aid of language, was not an essential condition of all society.

"Permit, then, the cellular system to repress, by its necessary circumstances, those social connections which your own system cannot hinder, but only renders more fatal. Permit it to enable the criminal to obtain the opportunity of other social influences, which will produce in his mind only salutary reflections and virtuous purposes. It is not necessary to exclude him from all society; but only to transfer him from bad company to good. As M. De Metz once remarked, 'I am willing that, if you please, you may take the criminal out of his cell and place him in the public square, provided only that you remove him from evil doers!'" (Report, p. 60.)

The Concentrated Criminality of Prisons.

To the above remarks it may be added, that the associated intercourse of prisoners is a *concentrated* form of evil. Even in the worst conditions of free society, there is some considerable admixture of persons who are more or less respectable and virtuous; but the jail population is exclusively composed of offenders.

It has been proved again and again that *no* system of supervision, however careful, can obviate the corrupting tendencies of the association of criminals. The British Convict Prison authorities have made strenuous endeavours, both by the number and discipline of their officers, and by attempts to classify their prisoners, to prevent the evil in question, but with little success. The Royal Commissioners on the Penal Servitude Acts, with Earl Kimberley as Chairman, remarked in their Report in 1879:—

"The evidence given by the great majority of witnesses, whom we have called before us, and the statements of convicts, of whom we have personally made inquiries in our visits to the different prisons, have satisfied us that, *in spite of all the precautions* taken by the prison officers, communications can, to a considerable extent, be carried on between prisoners working in association."

If this is the case, under the utmost precautions, how gross must be the evils under more common or ordinary conditions of *concentrated and wholly criminal association!*

American Neglect of Separation.

It is a remarkable circumstance that whereas the people of the United States enjoy the reputation of being peculiarly shrewd as to the pursuit of pecuniary profit, they have manifested an almost universal disregard to the economic and deterrent merits of the separation of prisoners from each other. They have, however, in one respect been wiser than Europeans, in that they have more generally compelled their criminals to maintain themselves by their labour during incarceration. They have practically said to them, "You shall not rob your honest countrymen, whilst *in* jail as you did when outside." But they have largely nullified this partial wisdom by encouraging pernicious association in their prisons. The result has been that crime has increased to a large extent, the cost of which has very far exceeded the temporary saving effected by the gains of congregate occupation in jails.

The Americans might with advantage act upon the emphatic words of their greatest Penologist, the Hon. Edward Livingston, who, it is to be remembered, was one of the few eminent authorities in the United States who have decidedly condemned the general prison system of that country. He thus shows the impossibility of adequate classification except by cellular separation ("Criminal Code,"

page 309). "*Every* association of convicts that can be formed will, in a greater or less degree, corrupt, but will never reform those of which it is composed. And we are brought to the irresistible conclusion that classification once admitted to be useful, it is so in an inverse proportion to the numbers of which each class is composed; and it is not perfect until we come to the point at which it loses its name and nature in the *complete* separation of individuals. We come, then, to the conclusion that each convict is to be separated from his fellows." Mr. Livingston here showed his larger grasp of the question than even Dr. E. C. Wines, or than perhaps any other American writer on criminal treatment. These are golden words which might with advantage be inscribed on every prison, especially in America.

Both in America and in Europe certain opponents of the cellular system have objected to it on the ground that it involves too much of reactionary influence upon its subjects when their confinement comes to an end. But these gentlemen ignore the fact that the sudden discharge of a prisoner from any kind of associated prison to absolute liberty involves, in most respects, as much reaction, or, to make a frequent comparison, as great a "rebound of the spring" as his release from a well-conducted cellular establishment. In each case the measure of absolute liberty, immediately entered upon, is similarly trying and tempting. And for such sudden liberty, a previous prolonged association with corrupting wretches, is the very reverse of preparation; it is the greatest disqualification. In reference to the plea, on this ground, for the necessity of criminal association in prisons, it was well remarked by one of the most experienced of observers, Mr. Henry May, formerly Governor of the General Prison for Scotland, at Perth, that "You may as well attempt to clean soiled linen by plunging it into a tub of dirty water, as to seek to reform convicts whilst associating them with convicts."

FAILURE OF THE "CLASSIFICATION" OF PRISONERS.

No classification whatever, except absolute separation from other criminals, can obviate the intrinsic evils of association. That high authority on this question, the Rev. John Clay, observes—"I believe it to be *beyond human power* safely to classify prisoners. I dare not trust even six or eight prisoners in any class or association which leaves conversation free." (Life, p. 283.)

Perhaps this statement might be slightly qualified, in view of some exceptional experiences in a different direction; and it would not be difficult to adduce some illustrations of a comparatively harmless intercommunication of selected prisoners, of the better sort, whilst engaged in small parties, in agricultural or similar labours. But even with the aid of the most careful attempts thus to classify prisoners, their association will always be attended with dangers of combination, or mischief of some kind. A striking proof of this was afforded by the experience of CAPTAIN MACONOCHIE, at Norfolk Island. He regarded cellular separation as being unnatural; as indeed it is; and as every form of imprisonment must necessarily be. He also knew, by painful observation, the dangers and evils of associating large numbers of convicts in gang labour. He therefore devised a plan which he felt confident would succeed; inasmuch as it was designed to work with, instead of against, nature. This was to permit small groups of selected prisoners, of only half a dozen in each company, to live together, work together, and be mutually responsible for each other's good behaviour. In this way, he hoped to bring into play those feelings of mutual forbearance, good fellowship, sympathy and resistance to temptation, which are to be found combined with healthful and favourable conditions of association in freedom. The desire was a noble one. And if any man could have made it succeed, Captain Maconochie was the one to do it. But even he

failed at this point. One of his colleagues at Norfolk Island prison, Dr. WILLIAM B. ULLATHORNE, subsequently the (Catholic) Bishop of Birmingham, remarks, "These private associations (of five or six each) would tempt to plots and conspiracies and give all facilities for their execution. *They led, in fact,* to the outbreak in Norfolk Island; although the Catholic clergy warned Captain Maconochie of the very men, and of the game of hypocrisy which they were playing." (Essay on the Management of Criminals; by Dr. Ullathorne, p. 35.) Even Mrs. FRY also experienced some very disappointing results, through her reliance upon the imaginary efficacy of similar so-called "classification" in prisons, by means of dividing their inmates into small groups.

If the dangers of combination and revolt are almost inevitable, even with such small groups of prisoners, how much greater are the risks incurred by the association of large gangs! The repeated outbreaks in convict prisons, and penal establishments, in all countries, illustrate this danger. But the cellular system effectually prevents revolts and checks insubordination. As the Governor of an English cellular jail once remarked to the writer: "Our prisoners are always separate; and hence they never become a power over us."

SEPARATION AND PHYSICAL AND MENTAL DISEASES.

Neither do epidemic diseases tend to become a power in cellular prisons. Each cell is always ready to be converted into a disinfecting hospital, in case of any infectious malady attacking its inmates. Here, again, is a great and important merit of the system.

There is, however, one malady, that of Insanity, or a tendency to it, which has often been attributed to this system, as a special danger. And wherever the method has been converted into mere isolation, this has been a very

real danger; as was notorious, for instance, in the experience of the New York State prison, at Auburn, in 1829, when not only insanity, but suicide, death and utter prostration, both physical and moral, resulted. But great exaggerations soon became current as to the general tendency of cellular treatment in this direction. It was often urged, and by persons who ought to have known the facts better, that, at Pentonville Prison, in London, the system was a total failure, on this account. The incorrectness of these statements was authoritatively exposed by the Rev. Mr. BURT, the Chaplain of that establishment, in his work on the Separate System. He showed that, during the period of complete separation of the prisoners, for periods of eighteen to twenty-four months, at Pentonville, from 1842 to 1848, their mental health was superior to that of a later and less stringent discipline. He observes "The insanity under the altered system has been *eight times greater* than during the four preceding years, when the original (cellular) system was in full operation." But the Pentonville System was always a defective one. Its assumption of the term "model" prison was quite unwarranted by facts. The rigours of separation were never, in this prison, accompanied by those necessary and merciful ameliorations, which other better conducted cellular establishments, in various countries, have adopted. But, incomplete as was the Pentonville plan, it was never so mischievous to the minds of the prisoners, as has often been represented.

At the present day, there is comparatively little danger of insanity from the separation of ordinary offenders, in the cellular prisons, because the lessons of the past have awakened attention to the necessity for rational precautions in this direction; such as constant industry; a supply of books; instruction by chaplains and schoolmasters; careful medical oversight; and frequent visitation by the officers and other persons.

Probably the chief danger which still exists in this respect, is in the attempt to apply solitary confinement to life sentences, or long terms. Such a combination is dangerous and inhuman. Yet it has continued of late years, to be exemplified in the treatment of a comparatively few prisoners, in certain Russian and other prisons. In Great Britain, France, Germany, Norway, Sweden, Austria, and even in Belgium, the longer sentenced and life-term prisoners, are placed in association. This is an almost unavoidable evil even in such cases, but it is less mischievous, at least physically and mentally, than the total collapse which would ensue from prolonged isolation.

Speaking generally, the statistics of modern cellular prisons, in respect to insanity, do not compare unfavourably with those of association establishments; and in some cases, the amount of insanity is now greater in the latter than in the former.

Pioneers of the Separate System.

In addition to the eminent Belgian developers of the cellular treatment, its successful and rational application has been especially promoted by four other gentlemen, namely, M. W. H. Suringar, of Holland, Rev. John Clay, and Bishop Ullathorne, of England, and M. Richard Petersen, of Norway. These practical men have worked out, in establishments more or less under their own official care, important problems connected with the question, in a moderate and common-sense mode, very different from the mere theories of inexperienced doctrinaires, or of extreme partisans of the system.

W. H. Suringar.

William Henry Suringar, a man superior in some respects even to John Howard, was, for about fifty years,

actively engaged, both as an officer of Government and as a philanthropist, in the visitation and administration of prisons and other institutions. He was Vice-President of the Directors of Prisons at Amsterdam, and was intimately acquainted with the other gaols of the kingdom. In conjunction with his friends—M. Warnsinck, M. Nierstrasz, and M. John S. Mollett—he founded, in 1823, "the Netherlands Society for the Moral Improvement of Prisoners." He lived to see it enter on its fiftieth year of useful operation. In 1872, shortly before his decease, he recorded as the result of half a century of special opportunities of observation at home and abroad: "I have become firmly convinced that whatever experiment may be made in the classification of prisoners, or in the use of all other means, the separate system of our country, though decidedly not perfect, is *the best* as compared with other systems; and that it must be adopted."

He also remarks that the Commissioners of the large Dutch prison at Leeuwarden had made many attempts to classify prisoners, in smaller or larger groups, and by a union of cellular and congregate arrangements. They had also instituted a careful study of foreign experiences by means of deputations sent to observe and investigate the prison discipline of other countries. M. Suringar adds, "And what was the conclusion they arrived at? With one accord they decided in favour of separate confinement. All the visitors and investigators came to the same conclusion; complete isolation of the prisoners from each other, but with regular work, the use of books, scholastic instruction, religious teaching, visits, and a daily enjoyment of the open air."

These latter adjuncts were always insisted upon, by M. Suringar and his colleagues, as of indispensable importance. And he is careful to add, "It is not the cell *as such* that works the reclamation of its inmates. It is only the fittest —the indispensable receptacle for containing the healing

potion. Religion must work the moral improvement of the criminals; religion, the essence of humanity."

M. Suringar and his Prison Society attached great importance to the visitation of prisoners by judicious members of their Association. The King of Holland granted these good men permission freely to enter the prisons and communicate with the inmates. This plan became a characteristic of the Dutch prisons, and rendered their system more complete than the Belgian mode. The visitors acted as unpaid schoolmasters, chaplains, librarians, and agents for obtaining employment for the prisoners on their discharge. These four functions, and especially the latter, are the special modes in which such visitors may be of use in prisons. For one or two paid chaplains or schoolmasters, however excellent and active, can never be adequate for the moral and intellectual requirements of hundreds of prisoners. Nor need there be any collision with the official staff, or any interference with their duties and prerogatives. On the contrary, it has been repeatedly acknowledged by the Governors and managers of prisons, that they have found their labours in the maintenance of the discipline materially aided and lightened by the influences of regular visitors. Nor was it the case in the Dutch prisons that the visitors were molested or injured. On the contrary, M. Suringar, speaking on the twenty-fifth anniversary of the Prison Society, said: "In these twenty-five years, no visitor has had a hair of his head hurt."

M. Suringar and his associates obtained subscriptions from the public for the purchase of libraries of miscellaneous literature, including especially books likely to interest the ignorant classes of prisoners, and to attract them to a love of reading, and of the acquisition of knowledge. For devotional literature a careful selection was made to meet the respective tastes of the Protestant, Roman Catholic and Jewish inmates of the prisons. There being many Jews in Holland, in order to accommodate the

religious scruples of this class, the authorities placed, as far as possible, all their prisoners of that persuasion in one jail. In every way the Dutch Society endeavoured to promote the success of religious instruction to criminals. They raised funds to send ministers to prisons where the State had not provided chaplains. They zealously encouraged these good men. M. Suringar says: "The preaching was not always in the desert. Prisoners have arrived in scores who had never prayed. They have been taught how to pray." But in order that such instruction should not be wasted, the separate system was perseveringly urged. Again he declares that where criminal association is permitted "one dispenser of the good news of the Gospel, who stays for an hour or so, is thwarted by scores of permanent teachers of evil." Such a prison becomes "an academy of sin," and especially for the younger inmates.

M. Suringar attached particular value to the oversight and aid of prisoners on their discharge; a point strangely neglected in Belgium. He and his colleagues instituted regular arrangements for bringing the discharged prisoners into communication with such of their relatives, friends, or local ministers, as might probably be of service to them; and for endeavouring to remove them from the influences of old acquaintances of the wrong sort. Clothes, tools, and travelling expenses were provided for those who needed them. Employers of labour were visited on behalf of those anxious to find occupation. These and similar efforts were, in a large proportion of instances, encouragingly successful, though there were also cases of failure and ingratitude.

But even the failures were utilised. The Dutch Society of Prison Visitors found another important function in using its experiences with criminals in and out of prison, as a means of impressing upon the public the necessity of preventive as well as restorative efforts. As M. Suringar remarked, "It is better to educate the young than to chastise the old. The new wine of instruction and virtue

must be put into new bottles." Hence the Society laboured more earnestly to indoctrinate the public as to the value of extending general education and institutions for the reclamation of young offenders. Nor were they unsuccessful in these efforts.

The labours of these Prison Visitors were ultimately of great effect upon the outside world as well as upon the inmates of the prisons. But it was owing to their experiences with, and knowledge of, the latter, that they became animated and qualified the more effectually to influence the former. This is a very important point to be borne in mind, in connection with public interest, elsewhere, in such matters.

Not until, in other countries generally, the Governments encourage, to a greater extent than hitherto, the visitation of prisoners by suitable volunteers from outside, will the general public become interested, to the extent necessary, in securing the best modes of the repression and prevention of crime. "Out of sight, out of mind" is a proverb applicable to prisoners. Until each community, by numerous voluntary representatives, thus becomes, in an energising manner, cognizant of its responsibilities in this direction, and zealous for their fulfilment, inadequate progress will be made towards the solution of the evils in question.

It was, then, the special contribution of M. Suringar and his friends, to the cause of prison discipline, that they advocated, after the practical experience of many years, the necessity of the separate system; but under rational conditions, and in connection with organised and comprehensive arrangements for the regular visitation of prisoners by judicious members of the community. Since M. Suringar's decease, the progress of penal reform in Holland, has been ably promoted by M. J. A. Jolles, M. Bellinechave, M. E. Laurillard, M. Von Scheltema, M. George Belinfante, M. Pols, M. Ploos van Amstel, M. Modderman, Count Limburg Stirum, M. van Blohland, M. de S. Lohman, and others.

Rev. John Clay.

In Great Britain there had been much discussion of the merits of the cellular system previous to, or simultaneously with, its adoption in Holland and Belgium. But in the former, less decided results ensued than in the latter, owing mainly to extreme views and practices, on the part both of the supporters and opponents of the system. The Magistrates of several counties, more particularly those of Middlesex, Sussex, and Berkshire, together with various individuals, such as the Duke of Richmond, Sir George Paul, Bart., Rev. J. Kingsmill, Rev. W. C. Osborne, Rev. J. Field, Mr. Crawford, Mr. William Merry, Mr. Joseph Adshead, and others, perseveringly endeavoured, for many years, to extend the practical adoption of separate imprisonment in this country. The Rev. John Clay, for many years Chaplain of the Preston Gaol, was one of the comparatively few Englishmen who took a broad and common-sense view of cellular separation, whilst at the same time, he was one of its decided advocates. But certain other persons brought some ridicule upon this plan, by their apparent excess of faith in the efficacy of merely shutting up prisoners in solitude, with their Bibles, and without due precaution against hypocrisy, idleness and ignorance. Mr. Clay, on the other hand, valued the cell only as a necessary condition to enable himself and others to influence the prisoner aright, without the certainty of all their work being at once undone by vicious association. His son and biographer remarks (in his Life, p. 197; London: Macmillan & Co.): "All that he asked from separation, was that it should guarantee the prisoners from mutual corruption and make them think. To cleanse and hallow the thought, when once stirred up, he held to be *his* work, and not the system's. But he shrank from the idea of ministering the Gospel

among men languid and listless with the dreary monotony of the cell, or perhaps trembling on the verge of insanity."

Mr. Clay, nevertheless, insisted on cellular separation, as far as possible, to prevent injury to that on which he most relied—the influence of the Gospel. He devoted his chief efforts to making his preaching impressive, loving, attractive, and effectual. He employed the service of song in the prison chapel, and adorned it with a fine picture of the Crucifixion, painted by himself. He was not a credulous or gullible man, but, on the contrary, was shrewd and wide-awake as to hypocritical pretensions to religion. He was a man of the world, as well as a clergyman. He attached the highest value to Christian influences, even upon the most depraved. He revolted from the ignorant, brutal scepticism of mere theorists, like that impulsive and growling cynic, Thomas Carlyle, who ridiculed all efforts to reform a parcel of "rogues and vagabonds." On the contrary, Mr. Clay said, "I venture to affirm, as a minister of Him who came 'to call sinners to repentance' that what is objected, in bar of our sympathies, constitutes the strongest title to them. It is *because* prisoners are careless or wilful wanderers from the right way, that nothing should be left untried to reclaim them." But when he observed the very great amount of utter ignorance of reading, writing, and figures, and even of the simplest truths of the Gospel, which then characterised so large a proportion of the prisoners, he felt that it was at least a just debt, from society to these untaught wretches, to utilise to the utmost the opportunity of their imprisonment, for giving them intellectual instruction, and awakening them to their responsibilities as Christians and as parents and relatives. For his own Christianity had taught him deeply the worth of single souls and the sacredness of individual lives. Even from a civil and economical point of view, he held the reformation of offenders to be of immense importance. He said, "A thief costs the community £150 a year, while at liberty.

Reformation is cheap, at any price." Hence, because the separate system was essential to reformation, he regarded it as being eminently cheaper and more economical than the association of prisoners. He repeats, "Without separation and non-intercourse, a chaplain's efforts would be comparatively fruitless. But, on the other hand, separation and silence, unrelieved by the benign influence of religion, are worse than fruitless, positively injurious."

Bishop Ullathorne.

Here the Protestant chaplain was in unison with the Catholic Bishop Ullathorne, whose long experience amongst convicts in Australasia, led him to study penal discipline very attentively. He has remarked that the first sentence uttered by God to His intelligent creature, was—"It is not good for man to be alone." Solitude as to men, must involve communion with God; or it becomes a source of evil. For, as the wise prelate adds: "Apart from God, and cast upon his individual resources, man is neither a light, nor a fountain of supply, to himself. Even the old hermits were admonished by the Church, that a solitary man is either an angel or a devil. And even those hermits had the liberty of the open desert before them, or occasionally visited and worked for the poor, amid the dwellings of men. The most rigid monastic discipline also, that of the Carthusians, with its protracted solitude and silence, is cheered by the little garden for each monk, and the long chantings of the brethren in the choir."

The Roman Catholic Church has held that, if the monk and the hermit need divine grace to rescue solitude from being disastrous, still more necessary are good influences for the isolated criminal. And on the partially cellular prison of San Michele, at Rome, erected in 1703, by Pope Clement XI., from the plans of his architect Carlo Fontana, the necessity of combining the moral with the deterrent

conditions of separation, was permanently recorded, in the motto, conspicuously inscribed over the prison, "Parum est coercere improbos pœnâ, nisi probos efficias disciplinâ." (It is insufficient to restrain the wicked by punishment, unless you render them virtuous by corrective discipline.) This motto greatly impressed John Howard, when he visited Rome.

It is important to notice this broad view, taken by the Roman Church; for she was a pioneer of prison reform. Clement the Eleventh's prison became a model for a similar one at Milan. The long ranges of cells, and even the radiating arrangement of the wings and corridors, were planned by the Roman architect and the Pontiff. Long years later, they were imitated by Belgians at Ghent; then by Jeremy Bentham at Millbank, and also by some Americans in the United States. Oftentimes the latter have been credited with the origination of this system. Bishop Ullathorne quotes M. Corbeer, who was sent as a Commissioner, from the French Government, to examine and report on Prisons, in 1839. He wrote—"I feel it a duty to re-establish the truth. The correctional system is Christian. It is Catholic. It is no new system. It had its birth in the monasteries; and a Pope gave it its baptismal name when it came into the world. America did not discover it. America did not perfect it. She borrowed it from Ghent; and Ghent obtained it from Milan and Rome." It may, however, be here remarked that this positive statement by M. Corbeer, requires a certain degree of qualification.

Bishop Ullathorne was profound in his analysis of what is meant by a system being in accordance with, or contrary to, human nature. He remarks that many modern advocates of political and social reform, are admirable in inventing expedients for regenerating human nature, if it were not that the nature to be regenerated is missed out of the calculation." ("Management of Criminals," p. 29.) That nature he held to be a very weak and corrupt one, and to be raised

only through that which he describes as "the awful mystery of our Redemption wrought through the innocent sufferings of the Son of God, for the deliverance of man." This, he adds, brings the sense of mercy and pity to the human heart, even for the criminal and the outcast, and tends to assert the power of the renovated moral sense, and to direct legislators to the essential justice of repressing crime, not in the spirit of vengeance, but with a fair regard to all the circumstances of the offender.

Mrs. Elizabeth Fry.

Whilst the Catholic Bishop set forth a sound principle of penal treatment, as consisting especially in a judicious enforcement of separation from evil, the same fundamental feature of disciplinary reform also commended itself to the approval of that eminent Protestant lady, Mrs. Elizabeth Fry. Her two Daughters remark, in their Biography of her, that "*Confinement which excluded from the vicious, but allowed of frequent intercourse with sober and well conducted persons, would have been, in her view, perfect.*" This admirably condensed and comprehensively descriptive sentence exactly embodies, it may be remarked in passing, the method of prison discipline perseveringly advocated by the Howard Association of Great Britain. Thus the Annual Report of that body, for 1886, records, "The Committee remain unshaken in their conviction that the fundamental principle of all prison efficiency consists in the utmost practicable amount of separation from evil companionship, with the provision of as many good influences, both by official and non-official visitation, as possible."

The horrible extremes of isolation exemplified in Mrs. Fry's day, in certain American and English jails, where prolonged cellular confinement, in semi-darkness, without industry, without adequate visitation, and without instruction or other reformatory influences, was carried out with brutal

inhumanity, justly shocked her compassionate heart, and led her to protest persistently against such a gross perversion of the principle of separation.

It is important to observe that the rudimentary condition of even British penal legislation, at that period, together with the structural defects of the prisons themselves, greatly impeded the progress in the reform of criminal treatment which Mrs. Fry, and the influential group of philanthropists who co-operated with her, such as the BUXTONS, the GURNEYS, Dr. LUSHINGTON, WILLIAM ALLEN, F.R.S., and others, so earnestly strove to promote. Mrs. Fry's own praiseworthy labours to reclaim prisoners, by means of the Holy Scriptures and religious exhortation, were often counteracted by the absence of the special assistance which judicious separation would have afforded. Her first successes in Newgate were based upon an approximation to this principle. She induced the authorities to divide the prisoners into small groups of ten or twelve, under the oversight of monitors selected from their own number. This secured certain advantages and a measure of progress; but, as was subsequently the case with Captain Maconochie's similar experiments with convict groups, so under these attempts at classification in Newgate, it was soon observed that, even the limited amount of evil association thus retained, was resulting in grave mischief, and contributing effectual checks both to the reformation and deterrence of the offenders. The sacred volume, which Mrs. Fry so highly honoured and valued, was afresh justified, even by the experience of these attempts at classification in groups, as to the permanent truth of its precept, "Evil communications corrupt good manners." Much more satisfactory would have been the results under those wiser conditions which Mrs. Fry desired to see in operation, but which, owing to the imperfect development of prison discipline in her day she did not witness on any adequate scale.

In some prisons the function of Scriptural instruction,

specially advocated by Mrs. Fry, was entrusted to very unsuitable officers. Thus at MILLBANK, at one period, the Bible was used by hypocritical and licentious warders, as a means of ostentatious imposition upon the authorities. A recent official writer on prisons appears to have regarded this as a proof of the failure of Scriptural instruction in jails! But this is a most unwarranted inference.

MISCHIEVOUS REACTIONARY INFLUENCES.

In 1838 two of the most observant of English Prison Inspectors—MESSRS. CRAWFORD and WHITWORTH RUSSELL —had issued a report condemning the plan even of silent association in prisons, and decidedly recommending the cellular system. But subsequently the weight of public opinion was mischievously influenced in a reactionary direction by several writers, and especially by ignorant sneers at that system on the part of that habitual cynic Thomas Carlyle, and in still wider degree by the extensive publication of the the superficial ideas derived by the more genial but easily impressible CHARLES DICKENS, during a brief visit to a single American prison in Philadelphia, in 1842. He found there, in a cell, a German, whose tears and representations so affected him that the too credulous novelist subsequently made the incident a text for a general denunciation of the separate system, irrespective of its right administration and use. Dickens was long survived by the German prisoner, who lived on for forty-two years after their interview, and, in 1884, once more revisited the same Philadelphia prison, asking, as a lone and solitary man, that he might be allowed, as a great favour, to re-enter it, as a final shelter and refuge, whose humane officers had consoled him in previous years. Out of sheer pity, his request was granted. He died there, as in an asylum, a few weeks later. The fallacy of Dickens's impressions of this man's treatment was thus demonstrated. But the effect on

British and other public opinion had been very mischievous, as tending to diffuse most erroneous ideas of the nature and effects of cellular separation.

Such widely spread reactionary views also influenced in too considerable degree the executive authorities, and tended to produce injurious relaxations of the wisely deterrent and reformatory discipline, which was previously becoming the basis of the County and Borough Jail system in England. In the "public works" of the British and Irish Convict Prisons the reaction was more decided, with the exception (by no means unimportant however) of cellular separation by night.

Partial British Homage to the Merit of Cellular Separation.

The English Prison Acts of 1863 and 1878 did indeed maintain, as to the letter, a legal recognition of the superiority of separation in local jails. And in so far as this has been consistently carried out, or at least approximated, which has been the case in many of these establishments, great advantage has resulted to the community, an advantage which would have been still more decided but for the defective legislation which has permitted inveterate and habitual misdemeanants to be subjected, for scores and even hundreds of times in succession, to useless or positively pernicious incarcerations of a few days' or weeks' duration.

It is to be observed that some of the chief inconveniences and evils occasionally occurring in English Local Jails arise from relaxations of the legally enacted principle of the entire separation of their inmates. For instance, at Armley (Leeds) Prison in 1888 one prisoner murdered another. But how was this? Because three prisoners were placed in association in one cell.

As to the prisons of Scotland, the chief journals in that

country have recently published many complaints of their undue costliness and excessive centralisation of management. Not only did the Earl of Elgin protest in Parliament in 1888 against the increase of the cost of all Scotch prisoners from £24 in 1877 to £30 10s. each in 1886; but the *Scotsman* (Edinburgh) newspaper, in an able editorial, pointed to the growing danger of associating young persons with adult offenders, either in the jails or during the journeys thither.

On the Convict "public works" the system of associated labour has been general, and the results have been very mischievous. It is, however, only fair to the chief authorities of these establishments, and especially to such able officials as Sir E. Du Cane, Sir Walter Crofton, Captain W. H. Harvey, and others, to state that they have made many earnest and not wholly unsuccessful endeavours to check or counterbalance the natural tendency of the gang labour by the aid of the "Progressive" or "Good Mark" system of gradual amelioration of treatment, involving encouragements of hope and of immediate and prospective rewards, including especially the opportunity of earning the remission of a considerable portion of the original sentence by means of conditional release under certain arrangements for periodic police supervision.

In 1886, the chief administrator of English Prisons, Sir E. F. Du Cane, in a letter to the Secretary of the Howard Association, respecting the Local Jails, wrote as follows—"The Separate System never was more uniformly and universally carried out than now, and never stood in higher repute. All our [Local] prisons are on the Separate System; and if any are torn down, a fate to which between fifty and sixty have been consigned during the last eight years, it is, so far as prison systems and management affect the matter at all, a sign of the *efficiency of the Separate System.*" This was an important official testimony to the merits of the principle thus eulogised. And the more generally it

is practically recognised, in regard to all classes of prisons and prisoners, the better will it be for communities and for offenders.

British Convict Prisons.

In the British Convict Prisons, for long terms, the inmates have the opportunity afforded them of gradually obtaining for themselves, by means of good behaviour and industry, a remission of their original sentences, to the extent of about one-fourth of the time for men and one-third for women. Thus a man sentenced to twelve years' imprisonment can earn his liberation in nine years (but under police supervision for the remaining three), whilst a female convict may liberate herself in eight years, with the same original sentence.

In addition to this ultimate reward, the convicts may earn a succession of more immediate privileges and ameliorations of their condition, by working themselves out of the lower or more penal grades into the higher ones. The first year of penal servitude forms a "probation" period, of which about nine months are spent in cellular confinement. If, during this year, 720 good marks have been earned, the third class in associated labour is entered. The convict remains in this for at least one year. But when he has earned 2,920 marks he may pass up into the second class for a third year. Another 2,920 marks will bring him into the first or highest class, in which there is a further sub-class ranked as "special," which carries a slight extra remission of one week of the original sentence.

Eight good marks per day are the maximum attainable. In the third class, convicts may earn one shilling a month, with permission to receive one visit from their friends each half year. In the second class one shilling and sixpence per month may be earned, with the substitution of tea for gruel, longer exercise on Sundays, and increased privileges

of visits and correspondence. In the first class extended advantages of the latter kind, with a further improvement in dietary, more exercise on Sundays, and half-a-crown a month, may be earned. There has recently been instituted a special "Star Class," consisting exclusively of convicts not previously sent to penal servitude. These enjoy some particular privileges; and they carry a red star on their dress to distinguish them from other prisoners.

Convicts must, in general, have learned to read and write before they can be admitted to the highest class. Different dresses are worn in the respective classes. The adoption of this "progressive system," it may be remarked, has led to a large diminution of punishments in these prisons. And this is a chief merit of the plan; namely, its aid to the officers and to the discipline. But it must always be remembered that it affords little test of either the character or the reformation of criminals. In fact the greatest hypocrites and most cunning habitual rogues, may most easily avail themselves of its advantages. Nevertheless, and in spite of this, it is of great value. But the appendage of supervision is also very essential.

In the Local (cellular) Jails of Great Britain, four stages also may be passed through, in succession, by the longer-sentenced prisoners, and a maximum of eight good marks per day may be earned. In the first stage the prisoner earns no money, has the hardest labour and the lowest dietary, and sleeps at night on a plank bed, without a mattress (but not without blankets). When he has obtained 224 good marks he may pass into the second grade, where he may have a mattress five nights per week, with school instruction and books. He may earn one shilling during the whole stage, and may have special exercise on Sundays.

In the third stage (reached after earning 224 marks in the previous one), the plank-bed is only enforced one night a week; one shilling and sixpence may be earned; and certain minor privileges. Another 224 marks will

bring the prisoner to the highest or fourth stage, where the plank-bed disappears and two shillings may be earned; but in certain cases of special good conduct, during the longer terms, a maximum of £2 may be reached. Increased privileges as to correspondence, reading, &c., are also now permitted. The *local* jails of Great Britain receive prisoners for periods ranging from one day to two years, the maximum. The *convict* prisons receive those sentenced to terms of from five years, the minimum, up to the remainder of life.

These regulations have hitherto applied in general, to British and Irish prisons. The Irish convict prisons anticipated, by some years, and in certain respects, this progressive system. But Captain Maconochie and the Bavarian prison authorities had, at a still earlier period, adopted a similar principle of grade-progression. The Irish convicts, in their final stage, had also been specially disposed of, by Emigration to Great Britain and America.

France, Italy and the United States.

One of the most decided proofs of the efficiency of the separate system is to be found in the disastrous and costly results of its absence, or general disuse, in Italy, France, and the United States. In these three countries, the system has not been popular. In each, the prisons are characterised by a general association of the inmates by day, and, to a large extent, even by night. In each, primary rather than subordinate importance has been attached to the immediate pecuniary results of congregate jail labour; and in each the amount of such profits has often been very considerable. But it is instructive to observe that in France, Italy, and the United States, the amount and intensity of crime has also of late years tended to increase, in a more rapid ratio than the general population.

As to Italy, in particular, it is a matter for much surprise

that the radical causes of criminality, especially those to be found in prison association, legal uncertainty and laxity, and popular ignorance, have not received more practical attention from the penologists of that country, whose ranks have included the eminent names of BELTRANI SCALIA (a most indefatigable administrator of prisons), M. PERI, M. P. S. MANCINI, M. PESSINA, M. L. ONOFRIO, M. LUCCHINI, M. P. ELLERO, M. CANONICO, M. BRUSA, M. LOMBROSO, and others. It might have been hoped that the countrymen and successors of that excellent pioneer of penal reform, M. BECCARIA, would have more generally appreciated, than they have done, the intrinsic importance of reasonably enforced separation, in regard to criminal discipline.

In France, murderers, violators, ruffians, habitual criminals, have become so overwhelmingly numerous and alarming, that the people and the legislature have been obliged to devise some remedy for the enormous evil. This was sought in the very questionable form of the "Recidiviste" measure of 1885, for the wholesale exportation of criminals to the Southern hemisphere.

In America much difficulty has also been experienced from the increase of offenders. And but for a considerable regard to the reclamation of juvenile delinquents, and to preventive influences of Temperance, the condition of crime there would be much worse than is at present the case.

The strength of the criminal class in the United States is in no small degree to be attributed to the circumstance that, in all the vast area of that country, there has been, for many years, only *one* Prison, that of Philadelphia, maintained on the wholesome, necessary principle of Cellular Separation. And even in that establishment, the system is being relaxed, in spite of the decidedly favourable experiences and results of its past enforcement there.

It is therefore not at all to be wondered at, that one of

the shrewdest American social reformers—GENERAL BRINKERHOFF, of Ohio—was able to show, in 1885, that the tide of crime in that country was rising with alarming rapidity. In 1850 there was only one prisoner to every 3,241 of the people in the United States. In 1860, there was one to every 1,600. In 1870 it was one to every 1,021. In 1880 the proportion had risen to one prisoner for every 837 people. Such are the results, in part, of congregate imprisonment, and of a system in which the immediate earnings, and even the theoretical reformation of the individual prisoner, are unduly preferred to a wholesome deterrence for the protection of general society.

In 1888 the Chicago *Tribune* published a series of statistics confirming the above conclusions. Thus it was there shown that in the United States, in 1881, there were 1,265 murders and 605 suicides. In 1886 there 1,499 murders and 914 suicides. In 1887 the numbers had further risen to 2,335 murders and 1,387 suicides.

CELLULAR CONSTRUCTION.—M. PETERSEN.

Part of the opposition to the cellular system, in some countries, has doubtless arisen from perversions and abuses of it, and especially from the very defective architecture of those prisons in which the cells have been constructed either cruelly small or dark. There should be as much of sunlight as possible, and a due regard to ventilation. In some prisons, conducted on this system, these points are well attended to; but in others a very unwarrantable neglect of them is manifest. M. RICHARD PETERSEN, the humane Governor of a cellular prison at Christiania, in Norway, has invited particular attention to the importance of light and air in cells, as materially affecting the success of the system. Some years ago he visited several

Danish prisons,* where he was favourably impressed with the size and light of the cells. His observations and inquiries, during these visits, led him to advocate similar improvements in his own country, and with good effects. He has repeatedly protested against the cruelty of "caging" prisoners in cells too small and dark, a practice which, as carried out in many prisons, has tended to involve the whole system of separation in an indiscriminating condemnation by some writers.

M. Petersen, whilst urging a very decided adoption of cellular separation for first-term and ordinary offenders, has expressed doubts as to its suitability for such a class as very ignorant, semi-savage Laplanders, for example. These are hardly fit subjects for rigid cellular discipline. A merciful discrimination must always be held applicable to such cases. And the "falsehood of extremes," both in theory and practice, needs to be carefully guarded against.

Cost and Economy of Cellular Separation.

Some English Prison Governors have noticed that, whilst cellular confinement is more deterrent for criminals in general, it is preferred by the special class of lazy habitual thieves, who hate hard labour in the open air, beyond every other mode of discipline. The warmth and easier labour of the cell are more agreeable to these. On the other hand, most convicts have been glad to quit the preliminary cell-discipline, at Pentonville or elsewhere, for the more genial and more lively association of the gangs in the open air, which the indolent thief hates. Generally, however, the cell is by far the more deterrent.

The construction of suitable cells, duly lighted, ventilated, and warmed, and not so small as to be mere cages,

* In Denmark, under the guidance of such enlightened officials and penologists as M. Goos, M. Brunn, M. F. Stuckenberg, and others, much progress has been made in the work of prison reform.

constitutes, on the ground of expense, the chief practical obstacle to the general adoption of the cellular system. But it is to be remembered that the *ultimate* economy far over-balances this first cost. *No system is, in reality, so cheap.* For it tends, on the whole, more than any other, to keep prisons comparatively empty, or at any rate to diminish the general number of criminals. And this, rather than immediate pecuniary saving, should be the main object of all prison systems. Ultimate efficiency is ultimate economy.

This result is effected by means of the two-fold influences, which constitute the peculiar merits of separation.

Firstly, it positively discourages and diminishes crime, by reason of its superior penal efficacy.

Secondly, the separate system does not throw its subjects back into corruption and deeper degradation, even when in certain cases, and at the worst, it may fail to deter or reform them in the degree hoped for.

But in general it has promoted both objects, more than any other mode of treatment yet adopted.

Its reformatory capacity leaves much to be desired, though even here it is far superior to associated imprisonment, which is radically injurious to reformation. Imprisonment, of whatever character, is scarcely compatible with reformation, except in a preparatory and initial degree. The elements of self-denial, of self-control, of trust, of limited temptation, and of self-supporting industry, essential to reformation, demand a state of freedom for their active exercise.

The utmost efficacy of any kind of imprisonment is very restricted; but the cellular system may claim, wherever rationally administered, to have most approximately attained to that limit. It is especially economical in tending to keep down the numbers of the criminal class so far as any imprisonment can do this; though, of course, preventive means, such as those calculated to

diminish intemperance and pauperism, must be chiefly sought for, and relied on, for the attainment of this important end.

All imprisonment is, at best, an evil; but when short, sharp, and certain, it is most effectual. This can only be ensured with safety, with mercy and with the greatest severity, simultaneously, by cellular separation. But a succession of uniformly very brief sentences, even for petty cases, is very mischievous. Gradual, but certain cumulation is one of the first essentials of effectual repression, so far as any imprisonment can repress. Such gradations would be found to be incomparably more efficacious than a repetition of short sentences on the one hand, or, on the other, than an arbitrary and therefore uncertain resort to extremes in sentences, whether by abrupt increase, or other severity.

The minor and ordinary offences against society in general, amounting to at least three-fourths of all the transgressions committed, may be most advantageously dealt with by means of short cellular separation, either in its simple or gradually cumulative forms. The maximum limit of cellular confinement, at any one infliction, even for grave crimes, may be taken to be that already recognised by the longest sentence in the common jails of Great Britain and Sweden—namely, two years.

But even Great Britain has failed to provide the graduated but certain CUMULATION OF SENTENCES, which, combined with wise arrangements for conditional liberation under supervision, would render two years an infliction comparatively seldom necessary; whilst it would also secure the shortest terms from being, as they have been hitherto, lacking in the deterrent warning of more prolonged inflictions to follow, with certainty, each repetition of transgression.

The writer was profoundly impressed by some remarks made to him, on the occasion of a visit to the venerable

M. SURINGAR, at Amsterdam, about a year before his decease. He said, "I have spent nearly half a century in the discharge of official duties connected with the repression of crime. I have had constant and abundant opportunities of observation and information on this question. I have rooms in my house almost filled with the literature of the subject. And I have arrived at the most decided conclusion that the principle of the continued penal separation of offenders, from each other, is the only one effectual for its object. All other systems, however popular for a time, and however they may be supported by influential names, must, from their very nature and from their radical defects, prove ultimate failures."

Since that time, the writer has conversed with many other practical authorities and observers, and has visited many prisons, in different countries, and read and thought much upon the matter, and he is increasingly convinced that M. SURINGAR was perfectly right in his conclusion. And probably no man in either Europe or America was, on the whole, more competent to form such an opinion than that gentleman, whose breadth of mind and absence of sentimentality were characteristic qualities which imparted additional weight to his extensive and prolonged official experience.

On another occasion, the veteran chief officer of a large prison in Yorkshire said to the writer: "As you ask me for my opinion of what is the best plan for dealing with prisoners, I will tell you the conclusion I have come to, after a life-time of thought and observation. Our present plan is far too indulgent, too costly, and too complex. We should secure our object much more effectually by simpler and shorter methods. I will engage that my own plan would be a better one. It would seem to be a cruel one, for a time; but it would be the most merciful, in the long run, both to the prisoners inside the jails and to the dangerous classes outside. It would be this. Nothing but entire

separation; no association with other prisoners, and not even any work. Absolute isolation, but never so long as to produce insanity, or to permanently injure health; yet long enough to be very disagreeable, and to give a real hate for jail life. This plan (added the officer) would be better than our present system, which is neither on one principle nor the other." This statement, however, was a too unqualified laudation of the merits of mere separation.

Final Results the Real Test.

It is a wide spread and obstinately-seated popular delusion—prevalent amongst many influential and intelligent persons—that mere *length* of detention is the chief penal and preventive element. Whereas time tends to form habits of adaptation, and to diminish the really penal and therefore deterrent effect of that severity which can only be borne for comparatively short periods. It is rather the *continuously unpleasant memory* of sharp but brief incarcerations which tends to be effectual.

There have now been accumulated innumerable precedents for the adoption of a better system than that of either prolonged imprisonments, or frequently repeated but ineffectual short ones. In thousands of cases, especially in such of the English Local Jails as have rigorously enforced cellular separation—the effect of a first sentence to a few weeks or months of this punishment—has proved a life-long cure of crime. Whereas in scores of thousands of other cases, a few weeks of jail association with villains and prostitutes, has ruined for life young persons of both sexes, in Great Britain and other countries.

Gloucester Pioneering.

One county of England—Gloucestershire—under the prompting of that noble pioneer in various good works, the

late Mr. Thomas L. Barwick Baker, long proved the efficacy of short and sharp preliminary chastisements, as opposed to the costly and mischievous blunder of an indiscriminate application of prolonged imprisonment. The local magistrates, for a number of years, generally adopted the system of punishing ordinary felonies (with little distinction as to the amount stolen) with a rigid cellular imprisonment of a month or two, during which time the impressions of jail life were fresh and disagreeable. A second felony involved, according to circumstances, either two months in jail, followed by two years' police supervision, or six months of the former and four years of the latter. A third offence of similar nature, entailed penal servitude for a term of years. Subsequent national legislation, however, rendered the treatment too rapidly cumulative.

The Gloucestershire authorities also furnished facilities for the employment of their discharged prisoners. They constituted their local Superintendents of Police, the agents for distributing certain funds available for the assistance of such persons. But they expected all discharged prisoners to inform their employers of their antecedents. If this was done the police did not further interfere. But otherwise the information was given by the police, *not by the subordinate members* of the force, but only by the *chief* constable. Mr. Baker reported, after years of experience: "The system works well. The Discharged Prisoners, in whatever part of the county they may be, have a Superintendent within reach, to whom they may apply to assist them with money or work. All who are willing to work find nearly constant employment; and the money given away is extremely small. The Chief Constable has not once in six years found it necessary to inform an employer of the antecedents of any one engaged by him; and necessarily, where the truth is known from the first (from the employed person himself) no one is turned out of

work in consequence of its being found out. The public appear to appreciate the being fairly dealt with, and many are willing to take a discharged prisoner—with a full knowledge of his character—who would have turned off one who was found to have obtained work without stating the truth."

In short, it was well and extensively proved by the Gloucestershire people, that their discharged prisoners were better off under this system, than otherwise. They were not subject to the risk of losing their situations through the treachery of others. They need not fear either the further revelations of comrades or of policemen. The police were felt to be their friends, and not their foes. Their masters knew the worst of them, from the beginning. And this knowledge, together with the police supervision, was a material help and mercy to the discharged prisoner, who was thus, in the great majority of instances, more effectually reformed and deterred, after his month or two of short and sharp cellular imprisonment, than he would otherwise be, by many years of costly, but pernicious, detention.

It is not to be wondered at that the safety of life and limb in Gloucestershire, has been at least as great as elsewhere, if not greater. That county has been able, with advantage, to close six out of the seven prisons which it had contained, and which were at one time so crowded that it was feared more would have to be built. Other localities have subsequently adopted the principle, with great advantage, and to the decided diminution of crime.

We should separate Deterrent from Restorative Discipline.

The conclusion to which the prison and penal experiences of all countries appear to lead, is that the special objects of deterrence and of reformation, whilst each of essential

importance, cannot, with the greatest advantage, be simultaneously combined, except in very limited degree. An offender who leaves a prison, after a short term, really hating it and resolved never to re-enter its walls, is more effectually dealt with, *both* as to reformation and deterrence, than one who may have been confined there for years, but under such conditions that he returns thither again and again.

Even where the offence committed is a grave one, the same principle of sharp deterrence may be secured, by dividing the sentence into several separate periods of short terms, each of which is to be inflicted, *if necessary*, in succession; but of which only the first need be undergone, provided its efficiency is proved by continued good conduct on the part of the offender, after his conditional release from that first term. Thus, for robbery, the offender may be sentenced to one year's severe cellular imprisonment, of which three months may be rendered certain, and the remission of the other portions made conditional on his satisfactory behaviour, after his first discharge. He should be made to feel that his imprisonment, under any circumstances, will always be a real and most disagreeable infliction.

But to attempt to combine such deterrent cellular discipline with a special training for self-supporting industry, as required under the ordinary temptations of life, has not, in general experience, been found practicable. Either the deterrent elements tend to nullify the other training, or the latter weakens the former. Both are good, both are essential; but they should be administered, for the most part, separately and in succession. Just as a physician, in prescribing for a patient, does not permit the simultaneous action of depleting and of tonic medicines, where both are needful; but in their due order.

Many officers of prisons have declared, from their own observation: "An habitual criminal effectually reformed,

whilst *in* prison, is a very exceptional person. Such an one is occasionally to be met with, but very rarely." Others express their utter incredulity as to the prison reformation of such persons. In spite of sincere temporary impressions, tears, and much emphatic profession, they are sceptical as to ultimate practical results. Innumerable prisoners, too, have indignantly asserted the impossibility of their being won over to a love of self-supporting rectitude, whilst still being made to suffer the restraints of penal discipline. Prisoners are apt to feel like the negro slave, who said to a master who combined flogging with religious harangues, "Massa! if floggee, floggee; and if preachee, preachee; but not floggee and preachee too!"

Further, the conditions of self-control and of resistance to the temptations of free life, which are essential to reformatory discipline in its entirety, and also some of the circumstances associated with the prolonged industrial training inseparable from such a discipline, are incompatible with due prison conditions, and with their needful penal restraints. The two cannot be well combined.

Hence, the wise criminal discipline of the future may be expected increasingly to separate what has hitherto been unsuccessfully sought in union. Penal deterrence, so essential to tame the ruffian, and to warn the dangerous elements in the community, must be rendered *more* penal than hitherto, instead of less, by means of an intenser, and therefore necessarily shorter, application, of strict and hated cellular separation.

This done, the function of the prison is at an end. Its further influence, for the time, would be worse than useless.

Then the process of restorative training for honest self-support may follow. And this must be sought, not mainly at the expense of the tax-payer, but by surrounding the discharged prisoner with all possible inducements to virtue and industry. Continued supervision, either by

the police or by officially-authorized Societies or Committees—by either, or both, according to circumstances—must be especially looked to, to promote the end in view. The liability to a prompt recall to other brief terms of strict cellular discipline, must hang over all habitual offenders—even, in some cases, during the whole term of their lives.

Again and again (yet not too often), they may have the option of trying an honest course. But a recall to the utmost practicable severity, must be held in reserve. This may not be invariably efficacious, but it will surely succeed to a very large extent, and far beyond the extreme or irregular systems of the past.

Chapter IV.

PERPETUAL OR LIFE IMPRISONMENT.

Failure of Life Detention.

Experience proves that all long imprisonments tend, from various causes, to defeat their own object, whether for deterrence or reformation. The penal effect is necessarily counteracted by the unavoidable extension of such comparative indulgences as are needed to maintain life and health under such conditions of duration. These relaxations help to diminish the fear of punishment amongst the criminally-disposed portion of the outside community; and may render the lot of the prisoner more favourable than the gravity of his offence should permit. With the lapse of years, also, the power of habit operates with an effect injurious to the original purposes of detention.

But in the case of imprisonment for life there are added to these objectionable features, further evils arising from the absence of hope and the pressure of despondency. The criminal who is sentenced for a very long, but definite, term of incarceration, even if for fifteen or twenty years, has at least a powerfully alleviating influence in the prospect afforded by the hope of ultimate restoration to the friendships and pleasures of free life. Whereas perpetual imprisonment is accompanied by the darkness of despair, at least as to this mortal existence. And as to matters of still higher importance, and the preparation for a happy eternity, it can hardly be seriously argued by any one

really conversant with the unavoidable conditions of life-imprisonment, that the perpetual association of its subjects with other criminals, under a hopeless prolongation of the worst influences, renders spiritual conversion probable. Rather must it be a miracle under such circumstances.

Inconsiderate Sanction of Life-Imprisonment.

Almost the only possible justification for the horrors of life imprisonment, is that it has been regarded as constituting a substitute for Capital Punishment, which many persons consider to be a still greater evil.

For more than a quarter of a century the writer has devoted special attention to this question of Capital Punishment, and has been brought into much personal intercourse and correspondence with others interested in the subject, throughout the world. He has endeavoured to examine, impartially and broadly, all that can fairly be alleged for and against this infliction; not merely from the point of view of the reformation of murderers, but mainly in regard to the security of the community at large. And, on the whole, it appears that the great and inevitable difficulties peculiar to this penalty have rendered its infliction so universally irregular and unreliable that a more certain but secondary punishment would, in general, be a safer one for the protection of society. (This may, perhaps, be considered apart from such very exceptional cases as those of wholesale murderers, like the Chicago anarchists of 1886, or other immeasurably atrocious enemies of the human race and of all law and government.) Meanwhile several impressions connected with this question have been forcing themselves upon the writer's mind, which he deems it his duty briefly to express.

In the first place, he has increasingly noticed, from observation and inquiry, that very few, comparatively, of the persons who advocate the abolition of capital punish-

ment, have been able, or have taken the trouble, to make themselves acquainted with the extreme practical difficulties attendant upon the provision of an effectual substitute for that penalty. Very few of them have ever devoted their personal attention to the actual features of prolonged imprisonment, even under the most merciful forms of its existing administration. Some of the advocates of that abolition have been remarkably ignorant of matters connected with prisons or criminal treatment. It is to be desired that those, as a class, who oppose capital punishment, could have devoted much more serious and practical consideration to the substitutes, proposed or imagined, for that infliction, than has hitherto been given. Especially should the real nature and evils of life-imprisonment be more studied and weighed.

The more this matter has been investigated by the writer, the more has he become convinced that, in at least a large proportion of instances, absolute life-imprisonment is not so much a substitute for capital punishment, as a slower and more disadvantageous method of inflicting it. Cellular imprisonment for life is certainly a most cruel mode of killing, by protracted torture. But this is seldom resorted to, in modern times, even in the countries where the great merits of short periods of separation for ordinary offenders are partially recognized. Life-prisoners are, almost everywhere, subjected to the milder system of association, and with the ordinary conditions of labour and general discipline undergone by other convicts. Unnecessary severity, towards this class, does not appear to be a feature of the prison administration of most of the countries of Christendom, apart from the duration of the sentence. In the chief penal establishments of various nations, there may be observed a certain number of murderers who, after spending twenty, or even more years, continuously in prison, still retain a good degree of health, both of body and mind. The writer once noticed in the prison of

Aggerhuus, near Christiania, in Norway, a murderer who had already spent 37 years in prison, and who then appeared little the worse in consequence. In another prison, also in Christiania, he observed, at the same date, a murderess who had undergone 24 years of her life-sentence. She was working with apparent contentment. Three years later, the writer referred to her, in a letter to the Governor of Christiania prison, who in his reply remarked, "The female prisoner, now 76 years of age, is in excellent health, because she is of a quiet nature. But, on the contrary, one of her two comrades and helpers in crime, died very soon in prison; whilst the other became lunatic, and was pardoned, after the lapse of many years." At Ghent, in Belgium, and at Leeuwarden, in Holland, murderers imprisoned for twenty and even thirty years, have come under the author's observation, and have proved to him the fact that it is by no means impracticable to carry out perpetual imprisonment, in some instances, without destroying the bodies and minds of its subjects.

Practical Testimonies of Cruelty of Life-Detention.

But with many others, the results are most disastrous to mind and body; unintentionally cruel, in fact. It would perhaps be impossible to find any prisons conducted with more mildness and mercy, than those of Sweden, under the Oscars. Yet, a former Chief Director of these establishments, M. Almquist, in a general report in 1885, prepared for the Prison Congress at Rome, made the following observations respecting his intercourse with the class of convicts whose original sentences of death had been commuted to life-imprisonment, who had already suffered upwards of twenty years' incarceration, and whose applications for liberation had repeatedly been refused:—"I have found them in a condition of despair, and they asked me, 'Why did you spare us from the infliction of death,

only to keep us here in association with the vilest criminals? You have buried us alive. The King's clemency to us is no real mercy. On the contrary, it is the severest aggravation of our punishment, to compel us to drag out our lives, without a ray of the hope of mercy.'"

A still more remarkable official statement, and one which deserves the most serious consideration by all advocates of life-imprisonment, was afforded by the report of the Directors of the State Prison of Wisconsin, contained in a British Parliamentary paper, on "Homicidal Crime," (C. 2849, 1881). The State of Wisconsin, it may be noted, had abolished capital punishment since 1853. And this is the description of the effects of the substitute there adopted, as given by the Directors: After protesting against what they term "*the indescribable horror and agony incident to imprisonment for life,*" they add, "The condition of most of our life-prisoners is deplorable in the last degree. Not a few of them are hopelessly insane; but insanity, even, brings them no surcease of sorrow. However wild their delusions may be on other subjects, they never fail to appreciate the fact that they are prisoners. Others, not yet classed as insane, as year by year goes by, give only too conclusive evidence that reason is becoming unsettled. The terribleness of a life-sentence *must be seen to be appreciated;* seen, too, not for a day, or a week, but for a term of years. Quite a number of young men have been committed to this prison in recent years, under sentence for life. Past experience leads us to expect that some of them will become insane in less than ten years; and *all* of them, who live, in less than twenty. Many of them will, doubtless, live much longer than twenty years, strong and vigorous in body, perhaps, but complete wrecks in mind. May it, therefore, not be worthy of legislative consideration, whether life-sentences should not be abolished, and *long, but definite,* terms substituted; and thus leave some faint glimmer of hope for even the greatest criminals?" (page 63.)

This statement must, however, be regarded as a somewhat specially pessimistic and exceptionally unfavourable picture of life-imprisonment. And further, there may, perhaps, have been some unusual features in the Wisconsin discipline, though it is stated to be "mild" in its character; and the dietary appears to have been a liberal one.

British Testimonies.

In Great Britain also there has been noticed a decided tendency to the destruction of bodily and mental health amongst the longer-sentenced convicts. In their annual Report for 1866 the Directors of Convict Prisons stated that of this particular class "Nearly sixty-three per cent. were confirmed invalids, many of them being paralysed and bed-ridden." In 1878, the Chief Director of British Prisons—Sir E. F. Du Cane—said before the Royal Commission on the Penal Servitude Acts, "I myself do not think much of life sentences at all. I would rather have a long fixed term. I think all the effect on the public outside would be gained by a shorter period." Before the same Commission, a similar condemnation of life sentences was uttered by the then chief Director of Irish Convict Prisons, Captain Barlow, who said, "My own individual feeling is this: I would be reluctant to keep a man in prison for his life; but if they are to be kept all their life, the latter part of the sentence ought to be something like the treatment in a Lunatic Asylum—comparative freedom and relaxation of rule."

It may here be remarked that even the condition of those murderers who have been consigned to some Lunatic Asylums, calls for the introduction of further improvements in those establishments. For example, one of the better managed amongst Criminal Lunatic Asylums is that of Dundrum, near Dublin. But the Irish Government Commissioners reported in their "Blue-book" of 1885, on

this institution, that, during the year, they had been "apprehensive of dangerous results from an accumulation of prisoners, fully three-fifths of whom had been charged with murder, some of them being *quite sane*, and many though peculiar in their conduct and language, still intelligent, meditating schemes of escape; whilst others, whose offences were less flagrant, coalesced with them—all yearning after freedom, and impressed with the belief that, do as they might, being inmates of a lunatic asylum, they would be irresponsible for their acts." ("Lunatic Asylums," Ireland, 1885. Thirty-fourth Report. Dublin; page 10.) This is a very suggestive official statement, from several points of view. It is at least indisputable that persons thus officially declared to be "quite sane" should no longer be detained in a Criminal Lunatic Asylum.

As to criminal lunatics, however, better oversight than that reported from Dundrum is secured in some other similar institutions; but at a heavy cost for the necessary super-abundance of precautionary arrangements. For example, the official returns of BROADMOOR, in Berkshire (for English Criminal Lunatics), show that one warder is employed for every six inmates, whilst at the Scotch Prison for Insane Criminals, at PERTH, the proportion is still greater, or nearly one to five! The author in recently visiting Broadmoor, was much impressed by the apparent cheerfulness, comfort, and excellent management of the inmates in that beautifully-situated, very large and very costly establishment. Under the able superintendence of Dr. NICHOLSON and his colleagues, it has become a model of its kind.*

* BROADMOOR.—From the opening of Broadmoor Criminal Lunatic Asylum, in 1863, to the end of 1885, twenty-two years, it received 1650 patients, 768 of whom had committed or attempted homicide. All the patients, though exceedingly well cared for, entertain some hope of ultimate release. In 1887 Parliament voted £36,549 for one year's cost of Broadmoor. This, for 500 patients, represents more than £70 for each!

Gravity of the Alternative.

The writer may here refer to the case of a young man who belonged to a respectable class of society, but who, under circumstances of special excitement and provocation, had committed a murder, for which he was sentenced to death. His father came to London, seeking to procure a commutation of the sentence. In the course of his efforts in this direction he called upon the writer to ask for information on certain points. Amongst other matters he was anxious to learn something of the ordinary conditions of convict life. When he was enabled to picture to himself something of the nature of the circumstances in which his unfortunate son would still be placed, if spared from the gallows—merely to spend the remainder of his life in constant association with the vilest and most atrocious criminals—the poor father bent down his head in prolonged silence, feeling perplexity as to the grave dilemma presented, and being dubious whether, after all, the infliction of death, before his son's mind had further undergone years of pollution and despair, might not be the less cruel alternative.

The nature of such an alternative has been too generally overlooked by many philanthropists interested in abolishing Capital Punishment, but comparatively indifferent or ignorant in regard to its substitutes. The writer once remarked to a member of the English Parliament (since deceased), who took an active part in the public advocacy of this abolition, that in his opinion the reform of convict prison discipline was a needful preparation for the discontinuance of the death penalty. But that gentleman took a precisely opposite view and said, "No, I regard the abolition of Capital Punishment as the basis of criminal discipline reform." This conclusion, which is opposed to that of the most experienced observers, has been, it may be feared, a too frequent one. And its tendency has been to delay the

attainment and practicability of the very object desired—the ultimate safe disuse of the death penalty.

Sir WALTER CROFTON, after long experience with Irish convicts, stated, before the Capital Punishment Royal Commission of 1865, that, in his view, the due consideration of the question of abolishing Capital Punishment "entirely depends upon our having, in our secondary punishments, an effective substitute provided." He was prepared to approve the abolition of the death penalty, if special prisons and a special discipline could be appropriated to the murderers. And with such arrangements he believed life sentences could be properly carried into effect. Other authorities, however, were not so assured on this point.

ITALIAN LIFE IMPRISONMENT.

The country which has probably had the largest experience of life sentences, as to mere number, is Italy, where, during recent years several thousand prisoners, under this category, have been undergoing their detention, generally in association with other convicts. In 1884 the Naples correspondent of the London *Daily News* described, in that journal, a recent visit which he had made to the Ponzo Islands, near that city, where, at St. Stephano, many hundred life-sentenced prisoners, chiefly murderers, were located. One of the inmates had committed twenty-one murders, besides robberies and other crimes! Other similar desperadoes were also in the company. The visitor remarked as follows:—"The chatter, the din of the chains, the confused hum of 800 voices, the forbidding countenances, are indescribable. It was a very pandemonium. The Director told me that though he would have guards at the door, if I wished to enter a cell, it was not quite safe to trust myself amongst the convicts. Sentences of punishment for life are carried out to the letter in Italy; therefore the criminal has no hope of improvement, nor fear of rendering his

position more terrible; and murders have repeatedly occurred within the prison."

The Italians have manifested an extreme regard for the lives of atrocious assassins, but sometimes, also, as extreme a disregard for those of respectable citizens. In their hatred for one form of capital punishment, they have merely substituted for it another and a worse mode of inflicting it, by such life-imprisonment as that described above.

Injury to the Soul.

Too many of the opponents of death-punishment seem to forget that it does not merely consist in the immediate operation of the guillotine, the bullet, or the gallows. This may be mercy itself, compared with the prolonged injury inflicted upon the spiritual and mental powers, extended over many years, by means of the hopeless misery of the solitary cell, on the one hand, or by the corruptions of filthy and blaspheming convict gangs on the other. A process thus continued may ultimately be *as real* an execution of death, but by slow operation, as the more visible and instantaneous deprivation of life. Nor, on the important plea of a better preparation for eternity, can much, if anything at all, be claimed in favour of permanent vile association with the refuse of mankind, as compared with a prompt ushering into the presence of God, who is the perfection of both mercy and justice, in His judgment of the past, present, and future actualities and possibilities of the lives of all. This has often been little regarded by some of the best-intentioned persons.

Of life-imprisonment, it may conclusively be pronounced, very bad is even the best form of it.

Years of inquiry and observation have increasingly pressed this conviction upon the writer; and he earnestly hopes that both the opponents and the advocates of capital punishment will devote a more comprehensive attention

than has hitherto been given, towards ascertaining the most effectual means of diminishing the causes of the crime of murder, and of devising less objectionable methods of dealing with its perpetrators, than either the universally uncertain penalty of death at the hands of the executioner, or the horrible mode of punishment which has for the most part, and in most countries, been substituted, by the infliction of imprisonment for life.

Impossibility of enforcing Capital Punishment in general.

Nearly half of the persons sentenced to death in Great Britain have, for many years, received commutations of that sentence, and have been consigned to nominally perpetual imprisonment. In France, Austria, Germany, Russia, and the United States, more than three-fourths of the murderers ultimately escape the infliction of death. This world-wide impossibility of carrying capital punishment into effect, with even a moderate degree of certainty, constitutes a principal reason for objecting to it. Such a general and intrinsic defect is fatal to its claim to efficiency. It may therefore be compared to a woman without virtue, or a soldier without courage.

Precedents for Twenty Years' Maximum.

The British Government has been compelled materially to relax, not only the certainty of execution in regard to capital sentences, but also the full enforcement of the life imprisonment nominally substituted. At least this has been the case in a considerable degree. It has been the practice of the authorities to bring under special official revision the case of each life-prisoner, on the expiration of a certain number of years of detention. Formerly this period was twelve years, but it has since been extended to

twenty. After undergoing this amount of detention, many murderers have been set at liberty, under certain conditions or precautions. And it does not appear that any serious inconvenience has resulted. Thus the utter hopelessness of real life-imprisonment has been partially obviated.

In PORTUGAL, also, the term of twenty years has long been adopted as the legal maximum of imprisonment, as distinguished from banishment to Africa. That country has by disuse abolished capital punishment since 1843, and by statute since 1867; and it has been stated by various competent observers, that murders have not subsequently increased; although this has been questioned by others.

Certainly the period of twenty years, thus legally adopted for most of the worst criminals in Portugal, and practically favoured in Great Britain, has much to recommend it, as a suitable maximum of detention, even for criminals guilty of murder, rape, or treason. It may almost be said to be the only reasonable alternative to capital punishment, if it be admitted that life-imprisonment is merely a method of slow execution.

Its adoption by definite sentence, and with a provision in general against any further commutation, would extend at least the hope of ultimate freedom to almost every subject of it, the exceptions being very few. It would furnish a basis for an easier administration of prison discipline and authority than with absolute perpetuity of durance. Although it may be here remarked in passing, that so far as the enforcement of obedience is concerned, life-prisoners are, as a class, found to be as amenable to it as others, if not more so. Nor has general experience confirmed the fears of those who object to the abolition of capital punishment on the ground of its endangering the lives of the officers administering life-imprisonment. This danger exists in the concentrated mass of murderous villainry in certain Italian prisons. But in the better managed penal establishments of Great Britain, Holland, Belgium,

Sweden, Norway, Germany, and other countries, the murder of an officer by a life-sentenced prisoner is a circumstance of the very rarest occurrence. It is, in fact, remarkable by its habitual absence. Special inflictions, or deprivations, are always influential with any class of prisoners, and indeed more so, in some respects, with those detained for long terms than with others.

But a fixed limit of twenty years would greatly aid the discipline of its subjects. And what is of more importance, so far as the public are concerned, it would, in most cases, avail to practically incapacitate, or effectually deter the persons who pass through it from any repetition of their crime. The mere natural operation of age, decay and disease, would tend towards this result; and not only so, but it would, in a considerable proportion of cases, render the limit of twenty years a virtual sentence in perpetuity by the intervention of death. But meanwhile the elements of hope and other desirable influences would be largely present notwithstanding.

Under the wisest and best system of criminal legislation, even twenty years' detention would be only necessary for a small minority of offenders, such as murderers and a few others. If carried out under duly adapted and reasonable conditions, the character of the dietary and other allowances to the criminals of this class might usefully be made dependent, at least in some degree, upon their own industry and exertions. In many instances, if not in all, the convict might be required, or enabled, to contribute materially towards the cost of his detention, and occasionally perhaps be allowed to earn something for his family, or for his own future sustenance in the event of his surviving the twenty years.

The establishments to be specially appropriated to this class, should, by means of an extensive area, admit of exercise, gardening, and agricultural or other labour, to a degree which "prisons," in the ordinary sense, have not generally

rendered available hitherto. Of course, various modifications of the principle of a fixed maximum limit might be practicable. Some might suggest twenty-five years as the utmost period, allowing five of these to be "worked off," or remitted, in reward for "good marks." But, on the whole, twenty is probably a better maximum than any other number of years, and one less open to objections, either as to undue prolongation, or too short limitation.

The re-infliction of brief terms of cellular solitude, during the twenty years, would be a constantly available and very powerful adjunct, as a reserve power, for the punishment of misbehaviour and the maintenance of discipline.

In the case of murderers, at least, their liberation, after this detention of twenty years, might be accompanied by certain conditions as to future residence and supervision. It may here be remarked, however, that murderers, as a class, are not the most degraded or most hopeless of criminals. In many instances, their one terrible crime has been an entirely exceptional manifestation of passion or rage, called forth by some tremendous temptation.

Neither the above, nor any other plan whatever, would be free from some practical difficulties; but, especially in view of the precedent of British experience with more than 40 per cent. of the convicted murderers, it is very desirable to adopt, more systematically and completely, some such arrangement, instead of the greater evils hitherto attendant both on life-imprisonment and on the inevitably irregular penalty of death.

Society would then be more effectually protected from murder and from similar crimes, because their punishment would be much more certain and general than heretofore. The claims of the criminal, to a just mercy, would also be met more largely and more humanely; whilst the grasp of the law would be strengthened, instead of relaxed.*

* The Author may, perhaps, issue a small work on the special subject of Capital Punishment.

Chapter V.

HABITUAL OFFENDERS, OR "RECIDIVISTES."

Various Experiments.

The measures which have hitherto been adopted with Habitual Criminals,* whether in Europe or America, may be regarded rather as experimental than absolutely successful. For nowhere has there yet been carried out, in the treatment of this class, any system characterized by adequate regularity, certainty, and discrimination. Even in England, which has taken and maintained a leading position in this matter, the mode of cumulating sentences has been extremely irregular and arbitrary; whilst, also, there has been a general practical disregard of the very important distinction existing between wilfully brutal ruffians, and the other class of habitual offenders who are weak and indolent, rather than violent or cruel. These require and deserve different modes of treatment.

In numberless instances, periods of penal servitude of excessive length and costliness, have, for a few petty thefts, been needlessly inflicted upon poor, weak creatures; whilst many atrocious criminals, guilty of revolting cruelty, have been visited with less severe penalties. Further, through the absence of a moderately certain and systematic cumulation of detention for repeated breaches of the laws, many of each class have been tempted into permanent careers of crime.

* Styled "Recidivistes" in France, and "Revolvers" in America.

Certain but Very Gradual Cumulation.

It is the opinion of a number of experienced prison officers, that a much more general repression of crime than has hitherto been obtained, would be secured merely by the adoption of a more certain gradation of cellular confinement for the repetition of transgressions. It is already found to be a fact, that a single brief imprisonment, on the *separate* system, effects a life-long deterrence in regard to many offenders. Hence, first imprisonments should, as a rule, be of very short duration; the object being rather an attempt to prevent further crime, than to impose abruptly heavy inflictions for the sake of mere theories of vengeance. The first punishment should be just sufficient to create an abiding disagreeable impression of a deterrent nature. It should not be so long as to have habituated its subject to prison life, or to have removed or relaxed that wholesome dread of incarceration which it is so needful to maintain.

Legislators should avoid mere temper, or unpractical anger, and should manifest a wisely efficacious patience, by a course of moderate, but certainly cumulative repression. Whenever a first brief imprisonment has failed to secure its object, it should never be repeated. The same ground should never be gone over again. Every subsequent conviction should involve *some* definite increase of detention. It is of comparatively minor consequence if the amount of additional penalty is but small, so long as it is *certain* to be greater than any one previously undergone by the same individual. It can hardly be too often repeated or recognized, that the main element in the repression of crime is not severity, but certainty—real, absolute certainty. And, in order to render this the more practicable, it *must* involve moderation and patient gradation.

For petty offences, a steady progress of one month, two months, three months, and so on—gradual but certain—

with really penal conditions of cellular separation and hard labour, would be much more efficacious than the custom (which does not deserve the appellation either of a plan or a system) hitherto so widely prevalent, of either piling on absurdly hurried additions of long years of detention for the repetition of a few petty thefts, or otherwise merely inflicting upon case-hardened individuals, dozens and scores of, to them, contemptible sentences of a few days or weeks. The alternative, hitherto, has been either this Scylla or that Charybdis, each of which is alike very inefficacious, as shown by constant failure.

Even for the peculiarly difficult class of HABITUAL DRUNKEN MISDEMEANANTS the course of a very gradual but sure increase of detention will be found very influential. Some striking instances of success have been noticed when, in certain cases, the principle of a moderate progression of sentences has been applied to such persons.

This sure but very gradual cumulation of cellular imprisonment will alone, and without any provision for further industrial training, or police supervision, suffice for the effectual reclamation and deterrence of many offenders who, under existing irregularities of treatment, become habitual criminals. This is the conclusion decisively arrived at by practical observers. But what Government, or nation, has hitherto adopted it, on any complete or persevering scale? *Not a single one.*

Criminals should not be regarded as belonging to the *habitual* class, until they have undergone several, at least, of the first stages of such a moderate but certain cumulation of penalty. In most cases the patience and majesty of the law might fairly afford them from three to six opportunities of this kind. This course would greatly restrict the number of persons to be further and finally dealt with. But after from three to six trials of the operation of imprisonments, the aggregate of which need not have exceeded one year's duration, for petty offences, the cumulation

should assume another character. Then it should involve, in addition to longer imprisonment, a subsequent training for from one year to several years, either in a penal factory, or in the cultivation of land. The weakness of character evinced by any offenders for whom this treatment had been found needful, requires also some continuance of supervision after their liberation, as at present practised. But this, again, should not be immoderately prolonged.

Opinions respecting Supervision.

There exists on this point considerable difference of view amongst judges, magistrates, and prison-officers, who may, on either side, be regarded as competent to form some opinion. The writer once received, almost simultaneously, two letters, one from a most experienced magistrate, and the other from a veteran prison governor, conveying opposite views on this question of supervision, at least as now practised in Great Britain. And often many similar divergencies of opinion in regard to it have been noticed. Yet, on careful examination and comparison of these views, it will be found that they do not differ so much as at first sight would appear to be the case. They generally admit the value and even necessity of some kind of supervision for some classes of discharged prisoners, but they differ as to its nature and extent.

Some of them decidedly object to its exercise by the Police, whilst approving it when entrusted to the operation of Discharged Prisoners' Aid Societies, or to private "patrons" of judicious character. Others, again, who still recognise the value of supervision, whilst exercised by the police, denounce as needlessly cruel and even mischievous, the protracted terms, such as five or seven years of surveillance, to which many criminals are sentenced under existing law. In this matter, as in most other things, the best procedure will probably be found to consist in a medium

course, or partial combination of the different views expressed by thoughtful and experienced observers.

Some of the possible disadvantages of police supervision have already been obviated, in England at least, by confining its delicate and confidential functions, as much as possible, to the chief or superior authorities amongst the force, and by strictly prohibiting the subordinate or less intelligent members of that body from taking any part in the relations between discharged convicts and their employers. The co-operation of private benevolence—especially in connection with Discharged Prisoners' Aid Societies, and "Prison Gate Missions," has also been very advantageously united with the action of the police.

Pernicious or Cruel Extremes.

The question of the period of time over which the supervision of a discharged habitual criminal should extend, is one which deserves more attention than it has hitherto received. It is probable that, at least so far as the police are concerned, a duration of one or two years' surveillance would, in most cases, be better than the more protracted terms of five or seven years; though, of course, special prolongations would still be needful in various exceptional instances.

There should not be a too general or indiscriminate resort to police supervision. It should be strictly confined to habitual, as separate from incidental offenders, two classes requiring very different treatment. Further, the extreme periods of imprisonment, and subsequent supervision, imposed in Great Britain upon the weaker and less dangerous class of habitual pilferers, as distinguished from

* Police Supervision.—A sentence of "Supervision" in Great Britain requires its subject to report himself, in person, to the police once a month; and also to notify promptly to them every change of residence. Failure of compliance with these and some other conditions involves re-imprisonment.

violent ruffians, constitute a national scandal. There are many hundreds of such unwisely treated persons in the British convict prisons. The following are a few recent instances (letters being substituted for the names of the culprits) :—

"A.," after two minor committals to a local jail, was convicted for stealing money, and sentenced to seven years' penal servitude, followed by seven years' police supervision. After all this he was re-convicted for stealing three shillings, and sentenced to another seven years' imprisonment, followed by a further seven years' supervision.

"B.," a weak-minded man, who had been once sent to jail for a minor offence, was, for stealing a shirt, sentenced to five years' imprisonment and five years' supervision.

"C.," for stealing a garden fork, was sentenced to ten years' imprisonment and five years' supervision. He had already, for stealing a rabbit-gin, had seven years' imprisonment and two years' supervision. The circumstance of his having undergone four minor committals to jail previously, does not justify the preposterous harshness of the subsequent seventeen years' detention, with seven years' further supervision for two such trifling thefts. There is a monstrous disproportion and cruelty in such gigantic outbursts of passion on the part of legal "Justice" so-called.

"D.," after some brief punishment in a jail, was sentenced, for stealing a cup, to five years' imprisonment and seven years' supervision; another disproportionate and unjust infliction!

"E.," who there is reason to believe was actually insane, was sentenced, for stealing a coat, to five years' imprisonment and five years more of supervision. He had had several convictions to jail for other petty thefts.

"F." furnishes a special illustration of the gross inequalities and anomalies which so often characterize English sentences. For stealing a piece of canvas, he was sentenced to twelve years' penal servitude, to be

followed by seven years' supervision. He had already undergone six minor detentions in jail and three sentences of penal servitude, amounting to twenty-two years, and including one of ten years for stealing a shovel. So that this poor weak creature has been committed to thirty-four years' of imprisonment, with seven years' supervision, all for petty thefts; whilst few of the most atrocious ruffians, violators, or burglars, of England, have had half such an amount of punishment meted out to them!

"G.," for stealing some water-cresses and shell-fish, was sentenced to eight years' imprisonment and seven years' supervision. He had already had, for stealing a hamper of potatoes, seven years' imprisonment and seven years' supervision. And before that, he had had sixteen minor convictions. But, here again, the very petty nature of most of the thefts committed by him indicate that a little common sense might have dealt with him far more promptly and effectually than by all this protracted and costly series of inflictions.

"H." is another of the failures of the present "system." He had ten incarcerations in jail; followed by five years' imprisonment and five years' supervision for stealing boots.

"J." was sent to penal servitude for his first offence (embezzlement). He then continued honest for sixteen years, when, for stealing some candles, he was sentenced to seven years' imprisonment and seven years' supervision! Surely the sixteen years' interval constituted a claim for more mercy, and for a mild and moderate penalty.

"K.," after two minor committals, was sentenced, for stealing some herrings and other food, to five years' imprisonment, followed by seven years' supervision.

"L." was sentenced, for stealing a few shillings, to eight years' imprisonment and seven years' supervision.

"M.," for petty theft, after previous convictions, was sentenced to ten years' imprisonment and seven years' supervision.

"N.," after five petty committals to jail, was sentenced, for stealing six shillings, to seven years' imprisonment. The same year in which he was liberated from the latter term, he stole a pair of boots, which offence brought down upon him ten years' imprisonment and seven years' supervision.

"O." has received, for stealing clothes, a sentence of ten years' imprisonment and seven years' supervision. He had previously had seven years' imprisonment for stealing a coat.

Very many similar illustrations might be adduced in proof of the unwisdom and defective condition of even the English system of dealing with offenders; for the above are but typical instances out of long lists of the sentences recently passed in British courts of "Justice."

Is it any matter for surprise, that thieves have, of late, manifested an increasing disposition to carry pistols and shoot the police, or any one likely to cause their arrest? Are not murderous assaults the natural and almost necessary consequence of such shocking sentences as some of the above? For if the perpetrators of petty thefts find, by experience, that they incur punishments of from ten to twenty years' duration for stealing a few water-cresses, herrings, fowls, or boots, why should they not risk a violent self-defence against the police or others, inasmuch as their punishment, in case of arrest, can hardly be worse than that inflicted hitherto for comparatively harmless delinquencies? The Law itself unwisely teaches them that atrocious crimes do not, in general, receive more vindictive retaliation, and very often not nearly so much as little thefts committed to satisfy their hunger, or clothe their nakedness. Hence the extremely rapid and severe cumulation of long imprisonments, for petty offences, has been, and is, carried to such an extent, as to have become a positive temptation to dangerous crimes of brutality.

At the autumn assizes, in 1887, an instructive example

of the diversity of procedure, amongst English Judges, was afforded by the contrast between the action of two of these dignitaries, during the same week. One of them sentenced an old woman to seven years' penal servitude for stealing an article of underclothing; and also imposed five years' penal servitude on a man who had fraudulently obtained a shilling. A day or two later, at York, Lord Chief Justice Coleridge had before him a woman who had already undergone ten years' punishment for stealing a door-mat, and was now charged with the theft of a piece of linen. The Chief Justice sentenced her to three weeks' hard labour, and remarked, very wisely, "I do not know what is to become of punishment. If people are to be sent to ten years' servitude for stealing a door-mat, what is to become of them for half-killing their wives?"

It is to be noted that the heaviest sentences for minor offences are not, in general, imposed by the superior or more intelligent class of Judges, but chiefly by the provincial or rural Magistrates and Chairmen of Quarter Sessions. For example, out of a list of 720 recent sentences to penal servitude, 240 were passed by the Judges, and only nine of these were accompanied by subsequent supervision. Whereas, out of the remaining 480 sentences passed at the lower courts ("the Sessions,") 209 involved supervision. Hence, the higher tribunals ordered this addition to less than four per cent. of their sentences; but the lower courts adopted it in 43 per cent. of cases. That is to say, the local Magistrates impose long periods of supervision, to an extent *eleven times greater* than that deemed needful by the Judges, the highest rank of legal administrators.

It has been pleaded, in justification of this special preference, by the lower Courts, for protracted supervision, that their members are personally better acquainted with the requirements of local offenders. It is alleged that the Judges know very little of the actual circumstances of the criminal classes, and that their previous training has only

been a forensic and literary one. A magisterial correspondent of the writer remarks on this point: "Most of the Judges, when first called to the bar, held a few criminal briefs, drawn by a solicitor, not to show the culprit's previous habits or temptations, or causes of crime, or his thoughts or feelings, but simply to prove that he did the act. Has any one of them, in his life, had any talk with a prisoner, or with any labourer? Does any one of them know anything of the opinions or feelings of the criminal class, or how to affect them?" For such reasons as these, some of the local Magistrates argue that they are much better furnished than the Judges with that actual knowledge of the offending classes and of all their circumstances, which is requisite for guidance, in the imposition of sentences, within the wide limits of discretion, often permitted by the law.

And, unquestionably, this argument possesses some weight. But after due allowance for it, and for other adducible pleas, it is also undeniable that the numerous sentences of from a dozen to twenty years' aggregation of imprisonment and supervision, for a few repeated thefts—as of herrings, chickens, or boots—constitute a most disproportionate, unmerciful, and even crime-producing procedure.

A great change is therefore needful, at least in England, in regard to habitual offenders of the less dangerous class—those characterised rather by excessive laziness and by propensities to pilfer, but not evincing violent or ruffianly inclinations. These require a certain, but more gradually cumulative, infliction than hitherto, of cellular imprisonment. And for the proportion of them, probably not a large one, for whom this will be insufficient, some more protracted discipline of a reformatory and industrial character will be further efficacious. But neither such training, nor the police supervision—which may be either its sequel or its substitute, according to circumstances—should be characterised by excessive length of duration.

The whole process should be sufficient for its purpose, but not extended so far as mercilessly to crush out hope, or put the community to great expense, for a few peccadilloes; or positively to furnish temptations to crimes of brutality.

Brutal Criminals.

But if there has been an excessive irregularity and severity in the punishment of habitual pilferers, there has also been a general lack of adequate stringency in regard to the more dangerous class of criminals, whose misdeeds partake of the nature of cruelty or violent outrage. These have so often been treated with such strange laxity, both in England and America, that it has become a proverbial expression that crimes against the person are visited with far less severity than offences against property. The murderous ruffian, the ravisher and the burglar, have, in innumerable instances, received a milder punishment than persons arrested for the stealing of a few trifling articles of food or clothing.

Even a single act of cruel or violent crime indicates a dangerous disposition which should not be trifled with. The first perpetration, by any person, of such outrages as arson, wounding, rape, gross fraud, or wilful cruelty, should involve severe punishment. The sentences sometimes, but by no means regularly, awarded, in Great Britain, for these crimes, of from five to ten years' detention, can hardly be deemed excessive, so far as the deserts of their perpetrators are concerned. But there is also the question whether, in some of these cases, it is necessary to burden the honest tax-payers for the support of ruffians, for such extended periods. By the infliction of from six months to two years of cellular separation, combined, in certain cases, with a series of whippings—not brutal, flesh-mangling floggings, but sharp, skin-stinging whippings—these criminals would be made to suffer a punishment which would far exceed, in intensity and in disagreeableness to themselves, the five,

seven, ten, or more years of comparatively lax and social penal servitude now awarded to some of them. The results would, in all probability, be effectually and permanently deterrent for the majority of such offenders.

Prompt and rapid cumulation is requisite for repeated offences of a *violent* nature. Any repetition of such acts, after a previous punishment, indicates a gross and perilous perversity of character. For a third, or further, similar crime of *violence* by the same person, a detention of from ten to twenty years should be enforced.

There has been, on both sides of the Atlantic, a frequent expression of opinion, by many prison officers and penologists, that Habitual Offenders, or Recidivistes, of the *violent* class, should, after two or three perpetrations of such crime, be imprisoned for life and never again be suffered to prey upon society. One of the ablest of American penologists, Professor FRANCIS WAYLAND, of Yale College, issued, in 1886, an essay entitled "*The Incorrigible*," in which he strongly urged this course, and in which he referred to the numerous horrible atrocities committed by criminals who had previously undergone various periods, longer or shorter, of congregate imprisonment, and who, also, in many instances, had had such terms of detention shortened by remissions for presumed "reformation," or "good behaviour," on the mere ground of that obedience to prison regulations in which the most practised villains are apt to be the most exemplary, so long as it is their interest to obtain, thereby, any relaxation of their penalty or discipline. So many murders, rapes, arsons and burglaries have been perpetrated in America by these "reformed" criminals, that Professor Wayland suggests, in the interests of the community, that the only safe course is, on a third conviction, to shut them up for life in a penal institution.

Further, he deprecates, for this class, any reliance upon police supervision; it being insufficient. In the United

States this surveillance is certainly very imperfectly organised, and perhaps, under their circumstances, almost unattainable there, to any sufficiently effective extent.

Professor Wayland says, "If it be argued that police supervision, after release, would avert the danger, I answer that it is far more easy, wise, and safe, to exercise it within prison walls. The authorities of a hospital might, with just as much show of reason, release a small-pox patient in the most contagious period of that dreaded disease, and then provide that while the dangerous symptoms continued he should remain under supervision. I believe that there is but one cure for this great and growing evil, and that this is to be found in the imprisonment for life, of the criminal once pronounced incorrigible." He adds, "We shall do no practical injustice to the criminal, if we provide that a third conviction for such felony should establish his status as incorrigible."

There is much weight in this objection to permitting dangerous habitual criminals, of this particular class, to be at liberty, even under supervision; and on the whole, for such ruffians and such morally inveterate desperadoes as some of them are, it would be the better and safer plan to have recourse to prolonged detention in institutions specially adapted for the purpose, as on islands, for example, or in places where escape would be very difficult, but where, at the same time, considerable space would be available for agriculture and other industry.

To a large extent this system of long detention for violent criminals has already been carried out, in England, in the form of Penal Servitude. For such persons it is almost impossible to devise a course of treatment free from grave difficulties and disadvantages. But the existing British plan, although requiring important modifications, is one of the best yet adopted for this particular class.

The writer ventures to differ from those authorities, such as Professor Wayland and others, who advocate a sentence

of absolute life imprisonment for all desperate felons who have been convicted a third time. For inflictions of detention, really for life, tend in practice to become a slow form of the death penalty, and hence may be more cruel, in the aggregate, than the immediate operation of the gallows, or the guillotine. The writer believes that even for violent criminals, it will be, on the whole, more advantageous to all parties concerned, that definite sentences of long confinement should be passed, rather than of perpetual imprisonment. But the gradation of sentences should be certain, instead of uncertain and irregular, as it is now. No sentence should ever be repeated a second time. Every successive infliction should mark a fixed advance upon the preceding one. Hence sentences on desperadoes should proceed on some such scale of increase, as, for example, four, six, eight, ten years, in succession; having regard more to the number of repetitions of brutal crime than to the character of each act.

A ruffian, knowing that the certainty of such a moderate scale of prolonged confinements awaited him, would be far more deterred than heretofore. The above series of four definite sentences would ultimately involve, to most, if not all of the worst characters, a lifetime of secure detention. After two or three terms of such protracted discipline they would, in general, have become incapacitated for further mischief; meanwhile they would have had always before them a ray of hope, useful alike for their own moral development and for facilitating the duties and permanent safety of the officers in charge. No country in the world appears as yet to have practically carried out a moderate, certain, regular gradation, such as is here advocated, for this particular class.

Class Prisons.

And not only should the sentences be graded, but also, where the best of all classification, that of individualization

in the cell, is not yet secured, some advantage may accompany the adoption of distinct prisons and discipline for each class of re-convictions. The convicts committed for the shorter terms should not be placed in the same establishment, or under the same *régime*, as those sentenced for the longer periods.

It has been one of the mischievous defects of the British convict prisons, that, until very lately, they intermingled all classes of criminals in the same establishments. Latterly some improvement has been introduced in this direction. Many of the re-committed convicts have been kept permanently apart from those undergoing a first sentence. With re-convicted desperadoes, under a certain and regularly cumulative system of sentences, a material part of the efficacy of their treatment, both as to deterrence and of security, would consist in their orderly distribution into prisons specially adapted for each stage of re-committal. This would, at least in some degree, facilitate the discriminative management of such peculiarly difficult subjects.

Throughout the terms of custody they should have opportunities, as at present in the convict prisons of various nations, of securing for themselves successive ameliorations of their treatment by "good marks." The cell or the whip might still furnish the ultimate resorts for special chastisement. As far as practicable, personal industry should be rendered (as outside, under the ordinary conditions of life) a basis of self support. For the skill acquired under long detentions would, in many cases, enable such prisoners to exercise very profitable industries of various kinds. They should, of course, as often hitherto, be permitted the stimulus of some present and prospective share of the results or value of their labour.

There is good reason to conclude that, on the adoption of such a regular system as is here advocated, the first stages would generally suffice for their object, and that

comparatively a small residuum of "intractables" or "incorrigibles" would remain to be dealt with, under the admittedly difficult problems of the final and most protracted terms. Indeed, this result has been partially attained already in Great Britain, in so far as the plan here described has been approximated to.

But, throughout, for every description of habitual offenders, whether of the less dangerous, or the desperado class, the main element of repression must always consist in the certainty of a moderate gradation of restraint. Such certainty is the indispensable and primary condition of success.

Abnormal Cases.

There are some exceptional cases of extremely brutal and morally insane offenders, for whom a more prompt cumulation of sentences to seven, ten, or twelve years' detention may be necessary. For there are, in every country, individuals who are so utterly bereft of either the will or the power to control their violent passions, that practically they are as dangerous to the community as madmen. Such persons may indeed be regarded as morally mad—a species of insanity more mischievous to mankind than various forms of mental alienation which the laws regard as qualifying for an asylum. A very observant French author — Dr. Prosper Despines — has collected, chiefly from the experiences of the French criminal courts and prisons, a long array of illustrations, showing that the perpetrators of the most atrocious and cruel crimes are, in general, specially characterised by an absence of remorse, and by a cold insensibility both in regard to the sufferings of others and to their own depravity. They seem to be "past feeling," as to the moral sense. Exhortation, persuasion, threats, kindness, severity, each and all appear to have little or no effect upon them. They are almost out of the reach of either ordinary or special

influences. And hence, for the safety of the public, there seems to be only one effectual means of dealing with them, namely, to place them under very prolonged restraint, not so much with a hope of altering their condition, as of simply keeping them out of the way of inflicting grave injuries upon the community. They are, in fact, an abnormal class, and must be dealt with accordingly.

An English writer, Mrs. LYNN LYNTON, remarks of such miserable beings: "Every warder and governor of a jail has had experience of the intractable prisoner,—the man or woman whom no reasoning can convince, no kindness soften, whom no influence of any kind can sway, and with whom even self-interest is inoperative. It is a creature with the speech and form of humanity, but with the fierce instincts of a wild beast—the malevolent passions of a demon. Were it not over-mastered and controlled, it would commit murder with no more moral consciousness of the heinousness of its crime than a boa-constrictor has when it swallows a rabbit, or than a tiger feels when it strikes down an antelope. Yet the creature is not intellectually mad. Crafty and clever, it sets the authorities at defiance, and bamboozles the chaplain, the magistrates, the police. Indocile, treacherous, stony-hearted, lying, this creature is yet not mad. 'Mad doctors' come from London and examine and report: 'Not a trace of intellectual insanity; a case of pure perversion; physical condition sound;' and so on. And yet, *pace* the experts, that creature and all its like *are* mad, morally, if not intellectually." And such persons positively enjoy a subtle and protracted antagonism to the officers of the law.

These intractable beings are at once pitiable and revolting. For their own very pitilessness and incapacity for remorse, are, in themselves, such a terrible privation—especially if hereditary—that they may well claim the wise pity of every considerate and Christian observer. At the same time, a merciful regard to the community de-

mands that such dangerous persons shall be placed under prolonged and secure restraint. Their actions should be regarded by the law as a decisive proof and test of their madness. And they should, at least equally with the intellectually "insane," be secluded in institutions adapted to their special condition, as is already the case with some of a similar category; the inmates of such criminal lunatic asylums as Broadmoor, in England, or Dundrum, in Ireland. And, if released, their subsequent supervision should be life-long, and specially vigilant.

Failure of Irregular Punishment.

In reference to a certain section of habitual criminals, the extreme irregularity of the sentences hitherto imposed has had the effect of encouraging a reckless love of adventure, and a willingness to incur the chances, as well as the risks of justice. Some desperadoes have no other ambition than that of a morbid criminality. Professor Wayland mentions one of this class who exclaimed, "I would rather die with a burglar's jemmy in my hand, than be the possessor of the finest property in America." The keen excitements of the defiance, or evasion of the law, furnish to such ruffians a morbid pleasure so strong as to render them regardless of consequences. Hence, the utmost certainty of cumulation is a merciful necessity for them.

But hitherto the absence of a requisite regularity of system, even in England, has failed to restrain many amongst each of the two divisions of habitual offenders, whom more thoroughly organised methods would have effectually controlled. An experienced authority has remarked: "At *least* three-fourths of those who are at present in penal servitude, could be more mercifully and at the same time more effectually dealt with. It is a sad fact that a very considerable portion of those who have

suffered penal servitude, look upon a convict prison as their natural home, and are scarcely at liberty more than a few months before they again incur a similar punishment. All that they apparently care for, is to have good food, dry clothes, and a fairly comfortable bed, all of which they enjoy in a convict prison. Nothing can more clearly prove the non-deterrent character of that punishment."

Instances of British Failure with Convicts.

The above observations are abundantly confirmed by the official records of the procedure of criminal courts. For instance, a few specimens, out of a large array of recent cases, show the following very speedy returns to their old companionship in the prisons.

"P." is a convict who was discharged from penal servitude in July of a certain year. The next month he was re-convicted for five years. Being liberated, he was again committed the following year to penal servitude. But by "good behaviour," in the prison sense of the word, he obtained a remission before the expiration of his sentence. A month later, his license had to be revoked, and he was taken back to prison to undergo his full term. The month after his liberation he was again re-committed.

"Q.," after several imprisonments, was liberated, "on license" from penal servitude, in January. The next year his license was "revoked." In March of the following year his sentence expired. In October of the same year he was re-committed for another crime. In about six years he was again liberated on license. In seven months he was re-committed for ten years. After nine years' detention he was once more released on license. In six months he was re-committed for a further crime.

"R." was released from penal servitude, on license, in December. Next month he was re-committed for ten years.

The year after the expiry of that period he was again imprisoned, and, after nearly six years' further penal servitude, was again licensed out; but in ten months his license was revoked. He then served out the remainder of his sentence. Within a year of its termination he was again in prison.

"S." was discharged from a convict prison in August. The following December he was re-committed. After nearly five years' detention he left the prison, in October. A month later he was re-convicted, and underwent another seven years of penal servitude, which expired in March. In September of the same year he was again sent to a convict prison, but by "good conduct" he earned some remission, and was liberated after about six years, in the month of June. In November he was again re-committed for another crime.

Countless instances of a similar character can be adduced, showing the failure of the extreme and irregular cumulation of sentences. By the adoption of a wiser, more moderate and more certain plan of procedure, a material diminution in the number of habitual and intractable criminals would ensue.

Progressive Reform.

The measure of progress already made in Great Britain towards a regularly increasing stringency in dealing with habitual offenders has been followed by encouraging results. This movement commenced in Gloucestershire, and has since been adopted in many other English counties. Its operation has tended to reduce crime throughout the country. For it is noteworthy that the indictable offences to which this principle has been partially applied, decreased in England and Wales, in twelve years, from 17,578 (in 1870), to 14,938 (in 1882), and in Gloucestershire alone this class of crime decreased from 221 to 154. Whereas, during

the same period, the other offences not so treated, namely, those disposed of by "summary conviction," increased, in England and Wales, from 526,869 to 682,906. Much greater progress may therefore be reasonably expected when a still more regular and complete system is adopted.

Characteristics of the Chronic Thief Class.

And there is another matter to be borne in mind, which is intimately connected both with justice and expediency. This consists in the general character and antecedents of habitual offenders, as a class peculiarly pervaded by hereditary moral weakness. They are, by nature as well as by habit, very irresolute, and easily tempted. To very many of them, society owes a special debt, of sustaining their attempts at amendment, and efficiently encouraging their good resolutions, by means of a kindly supervision and control. This just claim has been too often overlooked by legislation, and even by many philanthropists.

Mr. Percy Neame, a Chief Superintendent of discharged convicts in London, informed the writer that his experience of this class had especially shown him their inherent laziness and indifference to moral elevation. He estimated the number of the "residuum" of habitual offenders and vicious loafers, in London alone, at nearly one hundred thousand. They cluster chiefly in "nests," or certain low streets and "rookeries," known to the police. They can easily supply all their wants by theft, at which they are adepts. One of them remarked to Mr. Neame, "I can rob ninety-nine pockets out of every hundred safely," that is without detection. If labour is offered them, they will not undertake it for any ordinary wages. They are content with their condition; they raise no "bitter cry," and only laugh at the philanthropists and legislators who desire to elevate or reclaim them. They prefer to remain as they

are; they can exist on a few pence per day, and often do so. The product of one easy theft will maintain them for weeks, or months, in their fascinating idleness. A little fish, bread, or porridge, is sufficient for many of them. They are not very drunken, as a class, but incorrigibly lazy. Work is the one thing they most abhor; they are often too indolent even to wash themselves; they prefer to be filthy; their very skin, in many instances, almost ceases to perform its functions. Nearly all the discharge from some of their bodies is by the bowels; and if compulsorily washed, such people become sick. They neither know nor care for God. During their spells of imprisonment they are stupidly indifferent to the chaplains, and doze through their sermons; and they are often allowed to do so, for peace sake.

Many of them come out of their lairs at night, and prowl about like wild beasts. They watch for opportunities of theft; they crowd to conflagrations, or riots. Most of them are very ignorant; but the more dangerous of them are those who have been educated. Education tends, in general, to prevent crime; yet it renders a minority of this class more potent for mischief. If seven out of every ten young persons are prevented, by instruction, from becoming criminals, the other three may thereby be rendered more shrewdly mischievous. Mr. Neame stated that the worst thieves are those who have previously had a training in Reformatories and Board Schools, and that the most depraved girls and women are amongst the more educated ones. He and other official observers would confine popular charitable and "Board School" education strictly to the "three R's," or Reading, Writing, and Arithmetic, with the Bible; and nothing more. But the Bible is just the essential element which is too often excluded from popular or State education, and from some Board Schools. The Jewish mob cried out "Not this man, but Barabbas!" Subsequently and similarly, the *vox*

populi has frequently been far other than the *vox Dei*, and has often neglected the Divine messages of eternal salvation.

"Adult Reformatories."

In 1868 Mr. Barwick Baker suggested a system of "Adult Reformatories," with special reference to their suitability for habitual offenders of the less violent and less atrocious description. He drew attention to the marked success which had already attended the system of partially indeterminate sentences and progressive liberation, in the case of the lads committed to ordinary juvenile reformatories. Their inmates were usually sentenced to five years' detention on a second conviction. They first underwent a short imprisonment of about a month or less, by way of a preliminary penal discipline. This was followed by two or three years of farm labour, under strict oversight; after which they were placed out in situations, for the remainder of their terms of sentence, and permitted to earn their own living, but under certain conditions of supervision and liability to be returned to the reformatory.

It was at first regarded as a chimerical or Utopian idea to propose to retain disorderly lads at labour in open fields, and in buildings not surrounded by any high walls. Nevertheless the experiment was carried out with remarkable success. The attempts to escape from such institutions were very few in number. Mr. Baker therefore urged that the same principle should be tried with certain classes of older offenders, who should be sentenced, especially in the case of habitual thieves, to a term of years of "liability to imprisonment," to include a preliminary period in an "Adult Reformatory."

But their chief punishment and discipline should consist in prolonged vigilance and supervision after their liberation, and whilst maintaining themselves by their own labour,

and not being supported at the cost of the honest taxpayers. They might also be required to pay, out of their earnings, a small sum of from sixpence to a shilling per week, or about the amount of their "beer money," during all their term of liability to imprisonment, as a salutary reminder and proof of their indebtedness to the community, and as some return to the State for the expense of their supervision.

The offender being thus steadily kept in check, but not inside a prison, would be an abiding visible witness for the disadvantage of evil courses. But where confined in jail, he is out of sight, and in a great degree out of mind, so far as his comrades are concerned. To make prisons self-supporting is desirable, but most difficult, and with few exceptions almost impossible. But to render the culprit self-supporting, whilst still under the restraint of an authoritative vigilance, is thoroughly practicable, and would tend to the best interests, both of himself and the public.

In having recourse to a reformatory industrial training for certain habitual (petty) offenders (adults), after the preliminary stage of rigorous cellular imprisonment, which should always be the first infliction following each re-arrest, Mr. Baker suggested that 100 acres should be enclosed, not with a high and costly wall of masonry, but simply with a rough two-railed fence, with larch thinnings or poles, eight or ten feet high, nailed upright and close together. He remarked to the writer of this book, in a letter dated March 8th, 1886, the last year of his very valuable life, "If I learned nothing else at Eton, I learned that a weak fence is less passable than a strong one. A wall round a back yard, with a very old rotten wooden paling at the top of it, was utterly impassable. But one rough night the wind, perhaps a little aided, blew it all down. A handsome new strong fence, covered with spikes and tenter-hooks, was then put up, and was easily negotiable. Within a simple fence fifty men might till the ground, whilst fifty more might be employed in workshops, under somewhat less

stringent conditions than in a regular prison. But," added Mr. Baker, "you must find means to make them unwilling to get out," especially by their being impressed with the probabilities and unpleasant results of recapture, after attempting to escape.

In the earlier days of his own Reformatory, at Hardwicke, he had several "desperate young blackguards" whom he, in several ways, prevented from escaping. One of the lads had a chain put round his ankle, with a 28 lbs. weight at the other end; so tethered he could work, but could not run off. Another had his spade attached to his wrist by a chain and padlock. This was too awkward a companion to elope with. Other boys had a patch of hair, about the size of half-a-crown, cut away above their ears. Thus marked they would be easily recognised as runaways. They did not like the idea of "liberty to be hunted." Various kindred devices could be rendered available for the easier detention, or re-arrest, of this class of persons, in similar training establishments for adults.

The State of OHIO, U.S., in 1885, adopted, to some extent, Mr. Baker's suggestion, and enacted a law providing that thenceforth the sentences of all offenders, except murderers and re-convicted criminals, should, at the discretion of the Managers of Prisons, allow prisoners, after serving a minimum period of detention, to be liberated "on parole," but with liability to be recalled to jail at once in case of any misbehaviour, or if unemployed. This law is reported to have worked satisfactorily, so far as it has been tried.

ADVANTAGES OF SUPERVISION.

In regard to a moderate, but not excessively prolonged, supervision of discharged habitual offenders, Mr. Baker further remarked—"For myself I have no blind confidence in prison-effected reformation, and I should like to keep a watch for a long time on those who have gone wrong. I

believe that such a watch is a more wholesome kind of punishment, as well as being far cheaper than an imprisonment. I am aware that some tender-hearted gentlemen will talk of the hardship of suspecting a man who has indeed stolen, but has since 'expiated his offence,' as it was once absurdly called, by an imprisonment. I have had much to do with criminals, and I know well that there is scarcely any time when a man requires a friendly watch so much as when he is just turned out of prison. Of all means of *punishment,* or *prevention,* I consider surveillance is the most valuable. As a punishment it is so slight, that it may be continued for a long period. If twelve months of surveillance be equally disliked with one month of imprisonment, the one will keep a man out of mischief for one month, the other for twelve. The jail more or less unfits a man for hard labour; work under license especially accustoms him to it. No Judge can tell how much each prisoner will suffer in the time allotted to him. One man will suffer acutely from that which another will hardly feel. But surveillance has this peculiar quality, that it adapts itself to the requirements of *all.*"

It must, however, be always provided that the surveillance shall be friendly, as well as strict; that it shall be vigilance for the *interests* of the former offender, and by no means exclusively for his relapses or failures. It must be a means to hold him *up.*

The more often a man has been in prison, the more likely he is to return thither. This is abundantly proved by experience. Statistics show that the first brief term of imprisonment, in cellular jails, is the most successful in general; inasmuch as four-fifths of the persons who have undergone a first incarceration, separated from others, avoid prisons ever after; but nearly one-half of the number who have been twice imprisoned, at least in association, have to be further re-committed. Nearly three-fourths of those who have been thrice in custody, return for a

fourth time, or oftener. Hence the more habitual that any crime has become to any persons, the greater the necessity for maintaining some special supervision over them.

Licensing Out to Employers.

In many of the Reformatories for Juvenile Offenders, both in England and elsewhere, the practice has been adopted, with much advantage, of licensing out these young persons to private employers, under certain needful conditions as to supervision, payment and discipline. The State is thus relieved of a portion of their maintenance, whilst they are placed under a favourable but gradual preparation for a full restoration to the privileges of liberty. A similar principle might perhaps be beneficially adopted with certain classes of adult petty offenders, who, from the power of their evil habits, require a prolonged surveillance when outside the walls of prisons. In some American States, it is the practice to allow many of the criminals to exchange their imprisonment for the service of private employers, chiefly on the ground of immediate economy to the taxpayer. But, with a few exceptions, there does not appear to have been, as yet, a sufficient preparation or security for such a step, there.

Criminal "Colonisation" Impracticable.

Whilst the provision of occupation, of a reformatory character, on land, or in a factory, is an excellent arrangement for a *very limited* number of habitual offenders, who have reached a certain stage of a regularly graded system of discipline, and who still remain under the grasp of the authorities, and in entire control by their officers, it does not at all follow that such a mode of giving employment is suitable, either for criminals in general, or for those discharged from custody. On the contrary there are grave

objections, both on grounds of practicability and of expediency, to any wholesale provision of labour, by the State, for any class of persons, but especially for those who are, or have been, criminals. It would be one of the surest methods of encouraging evil.

Yet, from time to time, certain well-meaning, but unreflecting or misinformed philanthropists, have suggested the adoption of such a course, on a large or indiscriminate scale, either on waste lands at home, or by means of emigration. Independently of other objections to such schemes, the following points should be considered: the comparatively small profits to be derived from agriculture; the few inducements which it holds out to the criminal classes; the jealousy and competition of local farmers and free labourers; and the difficulties of controlling large bodies of men working on open spaces. And as to emigration, for such a class, where is the colony, or nation, that will *now* permit, to any considerable extent, if at all, the regular importation of the criminal refuse of other lands? This point, alone, is conclusive against schemes for the general emigration of discharged prisoners, even where such persons might be willing to go abroad.

But if there were not such insuperable objections to these schemes, on the ground of their impracticability, there is a more serious moral difficulty. To supply evil-doers, on a wholesale scale, with special facilities for obtaining employment and remuneration, whilst honest men find it hard to obtain a living, is fraught with the grave social danger that it may tend to render crime attractive and to place a premium upon dishonesty.

Not only was this result mischievously experienced in England, during the period when convicts were sent to colonise the wealth-producing lands of Australia, but it is still operating disastrously, in connection with the extensive deportation of French recidivistes to New Caledonia, or other pleasant islands of the South Pacific. The Paris

special correspondent of the London *Daily Telegraph*, in 1887, wrote as follows:—"New Caledonia is the criminal's paradise. The cases are not infrequent in which prisoners actually stab their turnkeys, with a view to being condemned for the crime and then transferred from Clairvaux and other French convict establishments, to their Utopia of 'La Nouvelle,' as they call it." The same writer then refers to various instances of notorious French ruffians who, after transportation to New Caledonia, have, in process of time, been either liberated, or placed in pleasant surroundings. He adds: "Little wonder that criminals should prefer the colony to the hard and monotonous life of a prison, and that they should sometimes try to qualify themselves for admission to its attractions by deliberate acts of savagery."

And, in like manner, there can be no reasonable doubt but that if there was possible any resumption, by Great Britain, on an extensive scale, of home or foreign deportation, or colonisation for criminals or discharged prisoners, under conditions obviously advantageous to themselves, this course would again tempt many others into crime, not only from the predatory but also from the hitherto honest portion of the community; and it would further create an immense amount of jealousy and active discontent amongst respectable struggling toilers.

Indeed, even under the existing limited scale of operations carried on by Discharged Prisoners' Aid Societies, it is found that some of the greatest difficulties of obtaining occupation for such persons (necessary as this is to a certain extent) arise from the vigilant jealousy of the free working classes, who are apt to think it a hardship and an injustice that any criminals should be specially helped to find patrons and employers, whilst respectable men are left to seek work for themselves, or fail and sink in the attempt.

And, undoubtedly, there would be reasonable ground for such dissatisfaction, if the assistance complained of were

extended on too wide a scale, or divested of its present unpleasant conditions of supervision. Hence it is indispensably necessary and just that some strict restraints should be placed upon habitual offenders, all along their course, and even during the periods of their partial liberty. For the path of the transgressor should never be rendered so advantageous as to be attractive to others. Least of all, should law and authority render it such.

In ITALY, since 1865, there has been tried a curious experiment in criminal "colonization," under the name of "Compulsory Residence" (or "Domicilio Coatto"). Some thousands of vicious and idle men and women have been deported to several of the islands near the Peninsula, where they have been compulsorily detained, with a view to their partial self-support by labour. But the attempt has proved a costly failure.

SYSTEMATIC ORGANIZATION OF SUPERVISION.

In some countries, as for example in Great Britain, the adoption of a more regular and certain system of dealing with Habitual Criminals, would necessarily involve a preliminary modification of the existing arrangements, or legislation, in regard to the special department of Police Supervision. But in any case, and in every land, the successful application of duly graded sentences and of conditional liberation, under supervision, must largely depend upon the degree of organization of central and local action, for the adequate registration of convictions and for the recognition of habitual offenders, and also for a due cognizance of their location and movements.

A special staff of officers is needful for these objects. Considerable progress has been made, in London in particular, in this form of departmental organization, by the authorities charged with the supervision and registration of habitual criminals. But there is need for a more prompt

and complete interchange of information between the Metropolitan and Provincial officers, in regard to the constantly changing movements of the members of the class in question.

The greater co-operation of the local Magistrates and Patronage Societies may be very advantageously secured, by the police and prison authorities, for this object. It has been suggested that in each district, the magistrates should appoint a small committee to look over periodically, with the chief of police, the list of persons under supervision in their neighbourhood. In case of any of those under conditional liberty, removing to another district, this change of residence should be notified to the authorities in the Metropolis, and by the latter promptly sent down to the locality into which such new visitors have just arrived. By such a complete interchange of observations and registers, on the part of both local and central authorities, every change of residence by conditionally liberated offenders should be ascertained, recorded, and circulated, throughout the whole period of the vigilance imposed upon them. In so far as any system of supervision lacks this provision, it is defective in an important element.

The practice of placing some of the conditionally liberated criminals under the systematic supervision of private patrons, has been adopted with considerable success at NEUFCHATEL, in Switzerland. The intelligent governor of the prison in that place, Dr. GUILLAUME, has introduced this plan, together with other carefully designed efforts to reform offenders. When released provisionally, they are required to present themselves every week before a patron, who also receives regular reports of their behaviour from their employers, and transmits these to the authorities, as a guide in determining the period of each offender's absolute liberation.

The Identification of Habitual Criminals.

As a subsidiary assistance to the identification of discharged prisoners, the systematic adoption of photographic portraiture has been very useful in various countries. But it is only partially effectual, in consequence of the astonishing ingenuity of habitual criminals in disguising or changing their personal appearance and dress.

On the Continent and in America, of late years, much aid to the identification of criminals has been derived from the adoption of M. Adolphe Bertillon's "anthropometric" system of measurement of certain bone dimensions of the human body, which, in the adult, remain comparatively unchangeable; such as the length and width of the head, at particular parts of it; the length of the left foot, the left fore-arm, and of the little and middle fingers of the left hand; the length of the trunk of the body, taken when seated; the full stretch of the arms, and the total height of the body. Of course such measurements must not be relied upon to the exclusion of other ordinary marks and features of individuality.

In addition to the use of Photography and the record of bone dimensions, several experienced observers, including, for example, Colonel Fraser, for many years Chief of the City of London Police, have suggested certain modes of privately tattooing habitual criminals, as a useful help to their being re-arrested, in case of escape, or of non-compliance with imposed conditions; two or three small marks indelibly imprinted on the leg, or between the toes, would serve as a life-long indication, to intelligent authorities, that the subject of them had been an inmate of a certain prison, on application to the managers of which, information respecting some of his antecedents might be obtained and verified. Such marks would often be more reliable than photographs, which may sometimes be misleading, owing to the effects of time on their subjects. In

the Criminal Museum of the London Police, there was a series of sixty photographs of one German girl, taken at many places and periods, but so varying from each other that it was difficult to believe that such exceedingly different aspects could ever be assumed by the same individual. But such was the fact.

Where marking is adopted, each successive conviction for serious crime might involve the impress of an additional sign. A man marked with two such indications would probably take great pains to avoid a third. The prevention of a crime by so simple a process would be a mercy, both to the individual and to the public. But the marks should not be on any part of the body ordinarily exposed to view.

Again—Moderation with Certainty.

In reviewing the general modes of dealing with habitual offenders here described or suggested, it may probably be objected by some that the proposed cumulation of sentences is too gradual and too slow, and that it should adhere more closely to the existing lines of British criminal procedure. But having regard to the various aspects and results of our penal experiences in this country, surely there is much reason to conclude that the existing applications of cumulation are in many instances needlessly severe, and at times cruelly unjust; at any rate, when inflicted for a few petty thefts. The main element in repression is *certainty.* And this is more attainable under a very moderate and very gradual system of cumulative penalties than otherwise. Further, the latter plan is applicable to all classes of offences, whether Misdemeanours or Crimes. And on the whole, it is most in harmony with the requirements of mercy and expediency; of economy and efficiency; of deterrence and reclamation.

Chapter VI.

PRISON LABOUR.

Regard Mainly the Test of Final Results.

The subject of penal labour should be mainly considered in reference to the chief end contemplated by criminal systems, and also in connection with the purposes of different prisons, and of successive stages of treatment. Through a neglect of this necessary discrimination, serious mistakes and grave injuries, both as to prisoners and communities, have frequently resulted. And the description of labour which may be eminently suited to minor offenders, or to the discipline of specially reformatory institutions, may be mischievous if adopted for those violent and outrageous criminals for whom a deterrent or sternly repressive treatment is, at least for a time, needful.

It often occurs, that through the pursuit of delusive ideas of "economy," in regard to prison labour, great waste and loss are incurred. It has been repeatedly forgotten, in practice, that the most truly economical form of criminal treatment, is that which eventually reduces the number of offenders to a minimum. It is *this final result*, this ultimate proportion of crime, which constitutes at once the test, and the real guide, as to the best selection of criminal labour, and, indeed, as to all other matters bearing upon penal discipline and prevention.

In some countries, notably France, Italy, and the United States, where this final test has been largely overlooked, and where the merely immediate profit of prison labour

has been unduly regarded, there has been a far larger concurrent increase of general crime than in other nations, such as Great Britain, where the influence of the deterrent element has also been taken into view, as a material part of the real question of economy. The official "Report of the New York State Prisons," issued in 1886, declared (at page 39) : "The percentage of criminal population in the United States is excessive, in comparison with some other countries. It very much exceeds that of England and Wales. In the United States there are more than three times as many convicts, in proportion, as in the former country." Yet no community has been so apparently successful as New York and some other American States, in regard to the amount of immediate profit obtained from prison labour.

The principle of justice to the honest worker, and to the non-criminal pauper, should always have some consideration in the selection of occupation for offenders. The writer has visited a large town in North Europe, in one part of which he found the aged and unfortunate inmates of the workhouse, toiling at very heavy mangling and other hard labour; whilst the criminals, in an adjoining jail, were occupied with exceedingly light and easy forms of industry, such as working with scissors, gum, and paste, in the fabrication of stationery, ornaments, and fancy goods. In many of the Continental prisons, similarly light occupation, more suitable for poor, honest girls, is distributed, for months or years together, to atrocious criminals. This ought not to be. It is doubly unjust, both to the prisoners and to various classes outside. It is also injurious to the community as a whole.

Distinctively Penal Labour.

The specially penal and deterrent stages of criminal treatment may require labour which would be injurious or

useless in other stages, or for a prolonged period; and *vice versâ.*

In certain cases, a few hours, days, or even weeks of cellular solitude, without any labour at all, may be a wise discipline; and one calculated to produce, in an idle offender, a salutary desire for work as an alleviation of confinement. But a prolongation of such inaction would be unwise and cruel. Again, some forms of merely penal work, of little if any pecuniary value, may also be efficacious, but only for short periods. The writer on one occasion observed, on the treadwheel of an English prison, a gang of refractory vagrants who had riotously refused to pick oakum. They were accordingly sent to jail for a week or two, where they had some hours daily on the wheel, in addition to their previous oakum task, and with cellular solitude at night. This process was found to have a wholesome effect in that and similar cases. But to prolong either the treadwheel or the oakum-picking for considerable periods, would be mischievous; though for brief initial stages of discipline, or for an occasional impressive reminder of reserve power, such modes of penal occupation may be of service.

Skilled Labour.

The teaching of a skilled trade to criminals, especially when young, is, for many of them, a very desirable thing. But an ordinary prison is not always the best place for imparting such a training. It is, however, to be noted that comparatively very few skilled artisans find their way into prisons, either in Europe or America. It is the wilfully or the unfortunately ignorant and unskilled who constitute the majority of their inmates.

And as, also, the larger number of offenders are only detained for short terms, it is often practically impossible to furnish the knowledge of a trade to them. Years of

patient training are usually needed for such a process, and that, too, under circumstances some of which are almost, if not quite, incompatible with the essential conditions of imprisonment. Hence the industries practicable in most of the ordinary jails, are such as require little skill and few tools, as for example, mat and basket making, net work, rough weaving or spinning, brush making, marble polishing, the sorting and sifting of various mixed matters, digging, washing, cleaning and the simpler forms of masonry, stone-cutting, shoe making, tailoring and carpentry. In some Continental prisons, the industries, especially for women, include embroidery, machine sewing, and the making of toys, cigars, artificial flowers, portfolios, etc.

Only in connection with long imprisonments, can skilled trades be effectually imparted. But long detentions are, at best, a mode of punishment which it is to be hoped may be of more and more limited application, as nations become wiser and more practical in their methods of preventing crime and of reforming offenders. But in so far as this extension of imprisonment continues, it is important to make the labour of those subjected to it as valuable to the State as can suitably be done. And this end may be accomplished better by various forms of skilled industry than otherwise. This problem has claimed considerable attention in most civilised countries of late years. In some of the European and American convict prisons many of the inmates have been brought from a state of previous ignorance to a skill and dexterity, which have subsequently enabled them to gain an honest and comfortable livelihood. Forty, fifty, or more different forms of occupation are carried on in these various establishments. Some of the products of their inmates are masterpieces of their kind. The specimens of work occasionally exhibited in London from the British convict prisons, and the handsome assortment of articles displayed in the Labour Exhibitions at such prison Congresses as those of Stockholm and Rome,

have elicited surprise and admiration from many visitors. In a few places, special shops have been opened for the exclusive sale of articles of prison manufacture. A very interesting one was noticed by the writer at Christiania, where the clothing, carving, furniture, fishing apparatus, ornaments, and miscellaneous goods, showed remarkable care and skill on the part of the local prisoners and their officers.

It is to be noted that, in general, the skilled labour in the Continental prisons is superior in quality, execution, and comparative quantity to the work produced in British convict establishments, owing to the excessive "red-tapeism" which prevails in the latter, and also to the comparative ignorance or indifference, in this regard, often manifested both by the superior and subordinate officers. An intelligent ex-convict stated in the London *Evening News*, in 1887, that many of the so-called "Instructors" on the "Public Works" of the penal establishments are slovenly and incompetent. He says: "An officer is told to take thirty men, and pull a wall down. The next week he has to build it up again. There is no plan, no brain, no object, except to kill time. Millions of cubic feet of good stone I have seen broken up and carted away for rubbish. All this would be charged as 'money earned!'" He continues, "I seldom knew a job completed without having to be done over again. For the mere purpose of showing his authority, an 'instructor,' who never instructed, and never was capable of instructing anybody, would compel another officer to remove a wall, or, after an excavation had been made, and a huge mound of earth or stone had been moved to one place, the 'Jack-in-office' would have it carried elsewhere. All this useless labour was charged to the public. In the so-called 'artizans' shop' the same system was carried on." Such statements have often been made by ex-convicts and by visitors to the British prisons. After allowing for possible exaggeration, there is probably too much truth in them.

Some of the chief American prisons have developed industry of an immediately profitable nature, to a larger and more systematic extent than elsewhere. For example, in 1884, the three State Prisons of New York, at Sing Sing, Clinton, and Auburn, earned, in cash, more than ten thousand dollars (£2,000) in excess of their cost and management. This was the result of the sale of the prisoners' labour to contractors, who employed them in the manufacture of clothing, boots and shoes. Similarly one of the Pennsylvanian prisons (at Allegheny) was, for years, a fully self-supporting establishment, by chair-making. In general, in American State prisons (as distinguished from the county or local jails) the "Contract System," in one form or another, has found favour; though of late years, during a period of industrial and commercial depression, it has called forth much hostility from certain trades, or trades-unions, some of whom have been successful in their active opposition to it.

Prison Labour for the State.

There are several modes of disposing of convict labour. They are as follows:

Firstly, Labour for the State. This plan, which is adopted in all the British convict prisons, has had a very limited acceptance in America. For whilst it possesses the important advantage of retaining the prisoners under the entire control of their own officers, it is seldom attended by pecuniary profit; and, in general, it results in heavy loss. Further, the nominal value of such labour is apt to be exceedingly delusive; as, for example, in the estimates usually placed in the Home Office Reports upon the work done by English convicts. There are also special facilities for official corruption and negligence, almost inseparable from this system. It is the source of some of the most objectionable features of British convict discipline

and disposal. It was tried, for a time, in New York State, but a Superintendent of Prisons there—Mr. Isaac V. Baker —in his Report for 1886, referred to it as having proved a lamentable failure, in every sense. In Ohio, in 1884, the Legislature abolished the contract system, and adopted the plan of exclusively employing the convicts on State account, as in printing and the manufacture of hardware and woollen goods. But less than a year's experience of this arrangement was so costly and unsatisfactory, that it was relinquished in favour of "piece-work" labour, for sale to private or public bidders. In Great Britain the convict labour for the State has been chiefly directed to the construction of fortifications, docks, harbours, and buildings; the cultivation of land, the manufacture of uniforms, clothing, boots, etc., for the army, navy, police, and prison officers; together with printing and binding, for certain departments of the Government. Doubtless a portion of this work is of genuine value. But much of it has certainly been wasted. Each British convict costs about £35 per annum. The authorities claim that his work is worth two-thirds of this sum. But whether this is the case or not, and however it may be asserted, contradicted, or explained, the simple *net result* to the tax-payer remains, year after year, that whatever may be the nominal estimate put upon the convicts' labour, the sum of £35 each, in cash, is demanded and required for them by their custodians. This is surely more than rogues ought to cost honest men. Some of the so-called "valuations" of the labour of English convicts, though gravely published in "Blue-books," are of an almost incredibly absurd character. If the industry was of much practical value to the rate-payers, the latter would feel it, in a substantial reduction from the £35 actually exacted. But, as a matter of fact, they have to pay this sum continuously, whatever may be the official appraisement of the convicts' labour. However, this plan is the easiest one for the officials to administer,

and therein consists most of its merit, in their eyes. From the point of view of their own ease and present interest, they are warranted in continuing it, especially so long as that very patient or indifferent creature, the average British tax-payer, submits to the burden thus imposed.

Leasing or Hiring Out Convicts.

Secondly, at the opposite extreme from the above system, is the mode of "leasing out" convicts to persons who entirely relieve the State of their cost and custody. This abominable system—for such it is—has for years been carried out in Georgia, Texas, Florida, Mississippi, Arkansas, Louisiana, Alabama, and elsewhere in America. The leaseholders take the whole charge of the convicts, and, in some States, re-sell their labour to railway companies, mining proprietors, and other large employers. The unfortunate wretches, thus leased out, are located from time to time in stockades or camps. The pistol, the lash, and the bloodhound are freely used to enforce discipline and to discourage escapes. Disease and death make terrible havoc in the convict ranks, which include many unfortunate children. The rate of mortality is enormous in such cases, as for example, eight per cent. or eighty deaths out of the thousand per annum. The permanent ruin to the health and faculties of the survivors is most melancholy. In 1880, the Superintendent of the Texas convicts reported that out of one hundred who had been pardoned by the Governor, more than a quarter were children from ten to sixteen years of age; and nearly another quarter "were hopelessly diseased, blind, crippled, or demented." Murder, rape, blasphemy, unnatural crime, and every form of vice, prevail amongst these gangs.

The "leasing out" is attended by so many evils, and is so disgraceful to the States adopting it, that there are at length some indications of its gradual relinquishment. But

for the present it still has an extensive and disastrous adoption in the South.

The Contract System.

Thirdly, there is the common "Contract System," by which, whilst the convicts are retained inside a prison, their labour is (for a certain sum of money paid to the State) placed at the disposal of a contractor, who is allowed to make his own rules as to time, occupation, and task-work, or at least with little, if any, restriction in these matters on the part of the authorities. This system is also chiefly an American one, and has been largely adopted in the Northern States. It often tends to sacrifice the discipline of the prisons to the interests of the contractors; but it is not accompanied by the cruelties of the Southern "Leasing out" system. Yet it is not wholly free from cruelty. For under it, there is a great inducement to over-work prisoners and to disregard the necessities of the weak or sickly ones. It also offers the contractors much temptation to bribe the prison officers, and to favour the stronger and more dexterous criminals, even when morally worse than the weaker or less skilful ones. It frequently throws the prisoners into too close communication with persons from outside, as messengers and others. But it has often resulted in large profits to the State; and it must be admitted that it has trained many thousands of men to habits of self-supporting industry.

More Limited Contract Arrangement.

Fourthly, there is another mode of contract labour which is subject to more rigid conditions, in the interests of the discipline and for the protection of both prisoners and officers. Under this system, the time and skill of the prisoners are let out, for a certain sum, to contractors, who

are strictly limited as to the conditions of labour and as to the introduction of assistants and trade instructors from outside, or any special interference with that degree of discipline and regularity which the authorities may deem essential for the main objects of imprisonment. This plan of limited contracts is extensively adopted in the larger prisons of the European Continent; and occasionally in America. It differs rather in degree, than in essence, from the laxer system, previously described. And when the regulations are judiciously framed and firmly insisted upon, it is attended by marked advantages, both to the State and to the convicts. Also, it introduces, for the benefit of those prisoners who are willing to learn a trade, a class of practical instructors, much superior, as such, to the warders, who are usually devoid of special industrial knowledge and skill.

"The Piece Price Plan."

Fifthly, there is a further variety of the Contract System, which, in the United States, is usually termed the "Piece Price Plan." It enables the authorities to retain full control over the discipline and occupation of the prisoners, whilst disposing of the products of their labour to a contractor. But the latter agrees to buy from the prison authorities, only those articles which they may choose to supply him with, and which must be finished to a certain standard of perfection; and he only takes such quantities of them as may accord with his own convenience and the state of the markets. This places the prison managers under great pecuniary disadvantage, as compared with the other and more common contract systems, under which the contractor pays a fixed price, per head, for all the labour of the prisoners, for a term of years, irrespective of changes in the outside markets.

On the whole, it appears that so long as large prison workshops, and extensive congregate industry in jails, are

to be maintained, less evil and greater advantage will result from the moderately limited contract system, as long carried on in certain American States as, for example, in Illinois, and in many European prisons, than from either the "Piece Price," or the comparatively unconditional contract plans. The experience of the chief Continental nations confirms this conclusion.

Competition of Prison with Free Labour.

Both in America and Europe, but especially in the former, much difficulty has at times arisen, in connection with prison labour, owing to its real or imaginary influence upon the interests of the honest artisan outside. In the United States, opposition has been vigorously raised against remunerative prison industry of any kind. But it is to be observed that the only reasonable ground for such hostility has been furnished by the prisons in which large quantities of one or two particular classes of goods have been manufactured, especially by the aid of powerful machinery; thus causing a disproportionate concentration of criminal labour.

Some years ago, when most of the work in the English jails was concentrated upon the single occupation of Mat-making, there arose a strong protest from the outside workers engaged in that handicraft. And there was a certain amount of justification for their plea. The Government then took measures for diminishing the proportion of this particular industry in their prisons, and in consequence the complaints of the free workers almost disappeared. In France and Germany some similar difficulty has occurred in connection with other trades; but the French authorities have also endeavoured to conciliate the outside workers by arrangements with the chief local representatives of certain trades, whereby the prices put upon the products of prison-labour are, to some extent, regulated by

mutual agreement. But this is not always an easy matter to secure in practice, inasmuch as the nominal prices of goods may be materially modified by "discounts," or by some private understanding between buyers and sellers. And the lowering of prices of prison products, even to a small extent, may possibly affect the general markets over a comparatively wide area.

It is important to bear in mind that the labour of criminals is, as a rule, less skilful than that of free men. It must necessarily be so, and in a large degree. And, as a matter of fact, the more thoroughly the competing influence of prisons, as to free labour, is examined into, the more plainly does it become manifest that it is, and must continue to be, of very inconsiderable proportion.

Any injury to free industry, arising from prison competition is, at the worst, a very limited inconvenience. It need never occur, to any noteworthy extent, with but a moderate distribution of criminal labour over a variety of industries. This is obvious, when it is remembered that, even in the countries where prisoners are most numerous, they form a very small proportion, in comparison with the free population. In England there are less than one thousand prisoners, on a daily average, to every million of the population. Taking this as an approximate general rate, it is obvious that the thousandth part of any community, distributed over a number of occupations, cannot constitute a serious industrial competition. This is still more evident when it is remembered that out of every thousand prisoners, the women form a considerable number, whilst many convicts, of both sexes, are very ignorant and unskilled; and a certain proportion are invalids, or unable to do any work.

So that the utmost amount of the rivalry of prison-labour with free industry is very limited, very exceptional, and very local; and from general circumstances it can hardly ever be otherwise. There are but few spontaneous complaints

raised by ordinary free workers, as to any such competition. The outcry which has been made has mostly originated with noisy professional agitators, who either do not know, or wilfully ignore, the real insignificance of the influence which they denounce.

Every Prisoner has a Right of Competition.

But there is another important aspect of this question, often disregarded. Every prisoner has a *right* to a fair share of competition with free labour. He had a right to it before he became a prisoner; and, when in jail, the tax-payers who support him, have additional claims upon his labour. And further, considering the previous neglected training of many criminals, it is due to them that they should be instructed in some means of livelihood, if possible, when they come under detention. It is those unjust tyrants, the selfish demagogues, that are so apt to be the worst of all despots, who deny or oppose these natural and moderate rights of prisoners and of their tax-paying supporters.

They have of late years found allies in other unpatriotic agitators and in "Socialists," whose selfishness has been repeatedly manifested, as, for example, at a Dutch Conference, in 1887, in violent denunciation of the free labour of poor women and children *outside* prisons. It is hateful hypocrisy which thus loudly vaunts the "rights of man," as against the thrifty and prosperous sections of society, whilst, at the same time, it even begrudges to poor women and children the primary right to the fruits of their own toil! It is a strange thing that, after years of this demagogic clamour about the "rights of man," it is still necessary to urge tenaciously the claim of every man and woman, whether in freedom or in captivity, to earn a livelihood, and thus to compete with his or her fellow-creatures.

A curious illustration of the inconsistency of some persons is afforded by the fact that whereas, in Great Britain, almost the only trade affected by prison industry has been that of mat-making, it is this particular handicraft that American trades-unionists have approved for jail-occupation! A report on prison industry, issued by the "Bureau of Labour" of the State of Michigan, in 1887, mentioned that a committee from the great trades union, named the "Knights of Labour," visited a Pennsylvanian prison to inquire into the crafts taught. When they found that mat-making was a principal industry there, "they went away perfectly satisfied," and said that the manager "had struck the right thing." How indignant the British trade union of Matmakers must have felt, if they had been present to hear this verdict.

In several American States, sectional trade tyranny has occasionally succeeded in compelling the authorities to keep the prisoners in idleness. The results have been their demoralisation, with great additional cost to the taxpayers. The Governor of Trenton prison, New Jersey, in 1883, most earnestly protested against the folly and cruelty of thus stopping the labour of the inmates, in the assumed and imaginary interests of a few politicians outside. He remarks "Only those acquainted with prison management, and who have repeatedly heard the piteous appeals of convicts, deprived of work, to be restored to the same, can form some idea of the terror of the punishment inflicted by the State upon its convicts, in keeping them in idleness, confined to their cells; and how the maintenance of discipline and the enforcement of the rules for health and cleanliness are made almost impossible, under such a state of affairs." Another prison governor reports, as a result of enforced idleness in his establishment, impaired health, disobedience, discontent and general recklessness. In 1888 many of the convicts at Sing Sing prison, New York, were compelled to be idle, at the dictation of selfish

but influential trades-unionists, who succeeded in obtaining unwise and timorous interference by the State Legislature with the prison administration.

Some of the anti-prison-labour agitators deprecate the absolute idleness of prisoners, and suggest their being employed in cultivating the ground, or on fortifications, etc. But these alternatives are not always practicable; and where they are resorted to, they almost invariably result in heavy loss to the community and are of little use to the criminal, as a training for an honest livelihood, instead of his easy and profitable thefts. For every penny which such substitutes may enable a few outside workers to gain, many shillings or pounds must, in consequence, be imposed upon the general taxpayers.

Machinery in Prisons.

It has been largely against the employment of machinery in prisons that the outcry, in regard to "competition," has been raised. And this is a principal point to be noticed. For there is some reasonable force in this objection; though not nearly so much as has sometimes been urged. It was recently observed, by the governor of one of the largest prison factories in America, that "the goods manufactured by us bear about the same proportion to the whole amount made, that one drop of water, in Lake Michigan, would to the whole amount of water in that lake."

Yet it is obvious that the employment of hundreds of prisoners, may, with the aid of machinery, produce, in certain localities, a marked influence on some occupations. And whilst each of these criminals has a positive natural right to compete with others, whether on behalf of himself, or his family, to say nothing of the taxpayer, yet, for the sake of conciliation, it may be desirable to abandon this special adjunct to jail labour, and to restrict the latter wholly to hand-work.

Hand Labour, with Cellular Separation, the best Solution of this Question.

The valuable Report of the Michigan "Bureau of Labour," of 1887, already quoted, records some instructive remarks by the veteran Governor of the Philadelphia State Prison, Mr. Cassidy, who said that all the prisoners in that institution, about one thousand, were employed at hand-labour, in making shoes, hosiery, mats, chairs, and cigars; no steam-power being used. He considered such manual labour far superior, in its educational and training efficacy, to ordinary machine-work, "which furnishes neither brains nor muscle, the inventor of the machine providing all the necessary thought required." The inmates of that prison are taught to produce articles finished throughout by themselves. The exercise of some intelligence on their part is thus secured; and, in general, they are much better enabled to earn a livelihood afterwards than if they had been confined to some single process of machine-work, or to the making of one portion of an article, whilst having nothing to do with its other parts, or with its completion. Further, in that prison, most of the inmates are confined to their cells, or otherwise separated from the others, both by day and night. The aggregate advantages of the plan there pursued are, that the prisoners are helped to reform, or at least are not depraved by evil association; their competition with outside craftsmen is reduced to a minimum, by hand-labour, without steam-aid; their intelligence is exercised by the avoidance of that subdivision of occupation which converts men themselves into mere machines, or parts of machines; and they obtain a better price for their work. Mr. Cassidy also remarks: "All prison officers should be mechanics; and only employed regularly after a test of their capacity as such."

In the Philadelphia prison the industry and good be-

haviour of the inmates are carefully stimulated. Every prisoner is required to perform a moderate minimum-task daily, based upon the estimate of the work which may reasonably be accomplished in six hours; but which is found, in practice, to be equal to about three hours of free labour. On the completion of the six hours' task, no prisoner is obliged to do more for that day. But if he chooses to continue his exertions for several hours longer, he is credited with one-half of the profits of such extra performance, or "overtime." The money is not given to him until his discharge; but it may be, with his permission, sent to his family or relations. In addition to this, every prisoner there, may, by general good behaviour, earn a remission of one month off the first year of his sentence, and two months off each subsequent year. Beyond certain privileges of visitation and correspondence, no immediate rewards are obtained in this institution. The local authorities do not believe in the discharge of their prisoners on parole, or under supervision by the police. Mr. Cassidy observes, "Under that system, the worst professional criminals reap all the benefit." The Philadelphia prisoners are not allowed to be visited by mere idle sight-seers. This is a laudable departure from the custom existing in most American jails. A strictly limited contract system enables many of the products of the labour in that prison to be sold to a local firm of merchants.

On the whole, it is to be noted that nearly all the difficulties which have occasionally arisen in connection with the alleged, or partially real, competition of prison with free labour, have resulted from the *congregate*, as distinguished from the separate system, and from the use of *machinery*. The associated inmates of large penal establishments, especially when aided by steam and water power, can manufacture articles of various kinds, to an incomparably greater extent than the tenants of solitary cells.

The manual labour and separate discipline in the latter

may be rendered more helpful to the prisoner, both technically and morally, whilst his competition with the outside worker is infinitesimal and perfectly legitimate. Whereas the crowded workshops of non-cellular prisons may interfere perceptibly with local free industry; whilst at the same time their demoralising influences habitually tend to increase the total number of criminals requiring restraint, and so to involve the tax-payers in an ultimate expenditure far exceeding the apparent immediate profit resulting from the organisation of associated penal industry, and the aid of powerful machinery.

Thus the prison labour question, for its best solution, brings us back again to the advantages of the Separate System. *No associated prison industry, no corrupting gangs, no steam power.* With these simple conditions, the competition will always be an inconspicuous minimum; even where the "Contract System" is retained, as it may be, with some advantage, under the reasonable conditions requisite to protect and maintain the discipline.

Chapter VII.

PRISON OFFICERS.

Difficulty of Obtaining Well-Qualified Custodians.

One of the numerous reasons for adopting, as far as possible, other means than imprisonment, for the repression of crime, consists in the great difficulty of selecting or training suitable custodians and instructors of criminals. A Government, or a State, cannot readily obtain or constitute a class of persons combining the qualifications needful for efficiency in this direction. Their most essential characteristics—those of a moral and religious nature—are precisely those respecting which a State Department is apt to be peculiarly unable, or even unwilling, to exercise discrimination. And yet the appointment of proper officers is one of the most important matters connected with any penal system.

Mr. Frederick Hill, who was for many years an efficient Inspector of British Prisons, remarks in his work on "Crime": "Of such supreme importance do I regard the appointment of good officers that I should expect better results, in one of the worst built prisons, where no system of discipline was prescribed, but where there was an earnest and able governor, unfettered in his choice of subordinates, than in the best constructed building, and under the most carefully devised plans of management, but where there was an incompetent head with ill-qualified assistants."

Colonel Sir E. F. Du Cane observes that "The import-

ance of selecting good officers for prison duties cannot be over-rated. The officer who has charge of prisoners has such power, for good or evil, over his fellow men, that I do not think there are many positions more responsible than that which he occupies. Nor, on the whole, are there, I think, many in which the officer is exposed to more temptation to neglect his duty or abuse his trust."

There is a special difficulty in procuring suitable men for the lower grades of prison service. It is by no means easy to train an efficient body of warders. Yet these are the class of officers who come chiefly into daily contact with the prisoners—sometimes almost exclusively so—and upon whom mainly depends the nature of the influence which can be brought to bear upon those under their care.

The Rev. J. CLAY observed in a letter to a nobleman, in reference to the discovery of the existence of unnatural crime, then extensively prevalent in a large British convict prison:—"The evidence now laid before your Lordship could only be given by convicts. The higher the rank of the official, the more ignorant he is kept of the true nature and extent of such evils as these papers describe. As the inquiry descends—beginning with the governor and ending with the 'guard'—it is met, in the first instance, by the conscientious disavowal of all knowledge of the abuses charged; and, in the last, by interested endeavours to conceal the real and appalling truth." These remarks confirm the often experienced fact that the Directors and Governors of prisons may easily and frequently be *the last* persons to be made acquainted with occurrences taking place within a few yards of them, and in the daily routine of the establishments with which they are presumed to be perfectly cognisant. They may be, in great degree, excluded from the sphere of influence in which their subordinates are concerned. Hence it is the more necessary that the latter class of officers shall be as carefully selected and as well-trained as possible. Yet

both the selection and the training are peculiarly difficult.

For, in the first place, it is not easy to meet with warders competent to discipline and handle large bodies of prisoners. It has been found in the experience of most countries that discharged soldiers possess this particular qualification in a degree superior to ordinary civilians. But then, on the other hand, the previous lives of soldiers, with their too frequently loose views of morality, and their by no means rare indulgence in swearing and intemperance, render them less suitable than selected civilians, to exert the necessary good influences required in a prison. When old soldiers are employed in prison administration they should constitute a minority of the staff. Civilian common-sense should be largely called into requisition in the management of criminals.

The very discipline also which is needful to manage large bodies of associated prisoners is, in some respects, counteractive of reformatory influences. It was remarked by Captain Maconochie: "In the management of our jails we at present attach too much importance to mere submission and obedience. We make the discipline in them military, overlooking a distinction, to which too much importance cannot be attached, between the objects of military and of improved penal discipline. The ultimate purpose of military discipline is to train men to act *together*, but that of penal discipline is to prepare them advantageously to *separate*. The objects being thus opposite, the processes should equally differ." But neither Captain Maconochie nor any one else could, with safety, dispense with an approximately military discipline, or with the necessity of attaching special importance to "mere submission and obedience," so long as prisoners were congregated in masses. Here, again, is indicated one of the many merits of the Cellular System, its superiority for disciplinary facilities over the associated plan.

But under any system of imprisonment, the selection of efficient officers must be very difficult, even in cases where the chief authorities are honestly desirous to appoint good men, rather than to indulge in favouritism, or political or personal partisanship, which has often been a feature of the prison and other administration of most countries. A certain large penal establishment in Holland was very badly managed for a long period. An intelligent Dutchman remarked, respecting it, to the writer, "Our authorities at the Hague used to appoint, as governors, old colonels, men who liked the pay, but did not love the work." Consequently that prison continued in such an unsatisfactory state that at length some influential persons requested that an officer nominated by themselves should be appointed. This was demurred to; whereupon the memorialists threatened to take a certain course, the apprehension of which induced the Minister of Justice to comply with their demands, and to appoint an efficient governor. The results were speedily effectual for good. A better influence promptly animated both the subordinate officers and the prisoners. Governments constantly require such vigilance and influence on the part of private individuals, the Press and societies.

Even under the British Government there is, down to the present date (1888) a great defect in the prison administration, arising from the absence of adequate arrangements for a wiser selection of the superior officers, especially the Governors. Far too much of the power of appointment is left to mere personal favouritism. And there is a too exclusive resort to military men for such positions. The previous training of some of these is in certain respects such as partially to disqualify them for the management of offenders.

Misused Official Influence.

Fearful have been the moral and physical injuries, in some instances, inflicted upon prisoners by their officers.

For example, a few years ago it was discovered that the most shocking profligacy prevailed between the female prisoners and the male warders of the chief penal establishment of one of the leading Northern States in America. And unfortunately such occurrences have not been rare.

Even the Chaplains, the religious guides and lights of prisons, have sometimes been sources of evil instead of good. In going over a prison of North Europe the writer was told by the schoolmaster, "Our Lutheran chaplain allows men to live and die here with very little regard to them. *He does not care for their souls.*" How terrible must be the future responsibility of such a person when summoned to meet the retributive judgment of God, and when, in the light of eternity, the awful retrospect of irrevocably lost opportunities for good, and of a worse than wasted life, may rest upon the unhappy spirit.

Crime and Sin.

Every prison officer, and indeed the general community, may profitably consider that whilst, for temporal interests, it is necessary to punish criminals, both for their own sake and for that of others, yet in relation to God and "the powers of the world to come" there is comparatively little, if any, difference between *Crime* and *Sin;* even as to those ordinary and constant states, or acts of sin, which it would be altogether inexpedient to visit with any human punishment. The most eminent personages, those specially honoured upon earth, are often quite as criminal in God's sight, as the lowest and vilest offenders against human law. For instance, a few years ago, one of the English Judges, whilst staying at a Midland county town for the Assizes, met with his death in a brothel. This offender against God thus passed into the presence of the Supreme with a weight of responsibility and culpability exceeding that of many poor ignorant creatures whom he

had condemned to imprisonment. Yet it was only as by a mere physical accident that his moral depravity and unfitness for his post became known to the world. Probably many similar or worse offenders still exercise high authority in various lands. Hence prisoners and criminals as such, are not to be considered as being at all more hopeless, or even more culpable, than multitudes of persons whom respectable and even religious society honours. Crime is a temporary and human distinction. *Sin*, whether it be punishable crime or moral disobedience, is the chief matter in regard to all wrong, whether private or public; for it is dishonour to God, and involves eternal consequences and interests.

That ornament of the Church of England, RICHARD HOOKER, usually surnamed "The Judicious," in a few weighty words, thus sets forth (in his "Ecclesiastical Polity") this truth, so essential for universal acceptation, and especially for those who have to punish and reform criminals. He says, "If we did not commit the sins which, daily and hourly, in deed, word, or thought, we do commit, yet in the 'good' things we do, how many defects are there intermingled? Let the holiest and best thing we do be considered. We are never better affected unto God than when we pray. Yet when we pray, how are our affections many times distracted? How little reverence do we show unto the grand majesty of God unto whom we speak? How little remorse of our own offences, how little taste of the sweet influence of His tender mercies, do we feel? Are we not as unwilling, many times, to begin, and as glad to make an end, as if, in saying, 'Call upon Me' He had set us a very burdensome task? The *best* things we do have somewhat in them to be pardoned. Our continual suit to God is, and must be, to bear with our infirmities and pardon our offences." That pardon can only be obtained as a result and most precious purchase of God's self-denying vindication of His own Moral Law in Christ.

"For through this Man (or manifestation of the Highest) is preached unto you the forgiveness of sins." Through Him only is that costly and indispensable privilege attainable. The words of the great Anglican writer refer to that fear of God which is not only "the beginning of wisdom" to all men, but is necessary to influence criminals, and equally so the persons placed over them. For very brief, and very little, comparatively, is the power of earthly sovereigns or authorities, either to punish or reward their officers and subordinates. But the Divine power, of reward and of punishment, endures for ever. The crystalline sanctity of God and His unapproachable majesty, except through Christ, the Mediator and Propitiation, demand a life-long, loving reverence. It is such considerations as these which must ever be the most powerful incitements to duty and to a good example, on the part of all who are engaged in the control of criminals and prisoners; as, indeed, amongst reflecting minds everywhere, and in all conditions of society. The prince, the pontiff, the prelate, the peer, the prisoner, and the pauper, stand upon the same humble level before God.

Good Influences over Warders.

If the chief officers of prisons, as the Governors, Chaplains, and Surgeons, are conscientious and intelligent men, they will generally be able to exert a powerful influence in guiding the Warders and other subordinates to efficiency in the discharge of their duties. For, practically, it is only in connection with actual prison service that the needful qualifications can be gained. Yet the best skill and ability in this direction require some more systematic modes of development than have usually been adopted. In a few of the chief prisons of various countries, Lectures and Classes have been instituted for the improvement of

the lower officers; and in some instances they are assembled once a week, or oftener, for conference with their superiors. But, in general, an important desideratum, in the reform of prisons, consists in the necessity for a more practical regard for the intellectual, physical, and moral needs of those members of the staff who are most frequently and habitually brought into contact with the criminals.

In Italy, Switzerland, and elsewhere, special Training Schools for warders have been instituted; but, apparently, not with very marked advantage. Just as swimming can only be learnt in water, so efficiency in the management of prisoners can only be acquired in jails themselves. But much may be done in this direction by the adoption of a more just gradation of rank and duty; by making pay and promotion more strictly dependent upon proved efficiency; and, in short, by holding out more general *inducements*, than hitherto, to intelligent and hearty fidelity in the discharge of official service.

The duties of the Warders are so arduous, so trying to the temper, and their hours of service are usually so prolonged, that it is urgently requisite to provide them with more aid towards a conscientious, lively interest in their work.

They should not be discouraged and harassed (as has not unfrequently been the case) by too numerous and comparatively heavy Fines for very trifling acts of negligence. The best prison administrators are able to dispense with much resort to such impositions.

The services, in particular, of the Chaplain and Schoolmaster may be rendered very useful to the warders. These important functionaries can thus often exert a more practical influence for good upon the prisoners indirectly, by elevating the character and minds of the subordinate officers, than by their apparently more direct labours. At any rate it should be recognised, in every penal establishment, that failure in some of the main objects must neces-

sarily result, unless the warders are regularly furnished with due educational and moral helps towards the discharge of their very difficult duties. They should be stimulated by lectures and brief addresses, to take an intelligent interest in such subjects as Sanitation, Temperance, Thrift, Kindness to Animals, the principles and history of Prison Discipline and Penology, and generally in matters connected with the special occupations, or industry, of the inmates of their own prison.

In such efforts as the above, the talents and benevolence of the prison Surgeons may be advantageously utilised. Even under the difficulties and horrors of the old transportation system, a surgeon-superintendent of convict ships, Dr. COLIN BROWNING exercised a marvellous influence for good. He reformed many of his prisoners by means of his earnest Gospel addresses; his administration of temperance pledges; his classes for teaching reading and writing; his fervent prayers and his general Christian example. One of the memorable sayings of that most excellent man may be here quoted, as conveying a truth important for all prison officers everywhere to bear in mind, viz.:—"We hear much of various systems of prison discipline, as the separate, the silent, and the congregate systems; but unless the CHRISTIAN system be brought to bear with Divine power on the understanding and consciences of criminals, every other system, professedly contemplating their reformation, must prove an utter failure. We willingly concede to various modes of prison discipline their just measure of importance; but to expect that human machinery, however perfect, can take the place of *God's own prescribed method* of reformation, involves not only ignorant presumption but practical infidelity."

LIBRARIES and READING ROOMS for the officers, as well as for the prisoners, should form a feature of every jail. And of course some reasonable opportunities for their use should be provided in the schedule of hours of

duty and recreation. The assistance of persons of leisure and culture, in the neighbourhood, might often be successfully invited for the delivery of lectures and addresses to the officers. Probably in most districts there are well-qualified gentlemen who would gladly help, in this way, if asked to do so. Facilities should also be encouraged for the enjoyment of music, athletic sports, and swimming, by the subordinates, where practicable.

The HOLIDAYS, PAY and opportunities of PROMOTION, should be granted on a scale of reasonable liberality; and, in short, the general welfare and improvement, especially of the lower officials, should be a prominent part of the arrangements of every penal establishment.

One material element in the maintenance of a healthy moral feeling and hearty interest in their duties, on the part of the warders, must consist in their being permitted some means of communication with the Government, from time to time, through an independent channel, separate from their own superior officers, as, for example, through one or more members of the Legislature, or of a local Municipality.

THE CHAPLAINS.

The chaplains, in particular, should be men feeling deeply the responsibilities of their position in regard to all the custodians of the prisoners. They should especially seek to impress upon these a sense of the importance of eternity, in reference to their own accountability to God, and as to the souls of those placed under them. The words and example of the officers either tend towards the salvation, or the moral injury of the prisoners. The former result will afford happy retrospects hereafter and the approbation of Christ. But the latter course will involve painful remorse and condemnation, when the present opportunities of faithful performance of duty, as in the all-seeing eye of God, shall have irrecoverably passed away.

Both the subordinate and the superior officers (as indeed the managers of all institutions), may profitably ponder the question once asked by a prison chaplain—"Will you be content to replace such a treasure, as a human being, in its former position, with nothing gained, during the whole time *you* have had it in charge?" From every officer (as from every master, parent, or caretaker of others) Christ, the omnipotent Final Disposer, may demand, "What did you do with the souls committed to your control; the establishments, or households, over whom you ruled? Did you bring them to Me, or did you neglect them, or even lead them away from Me?" For, of course, some such requirement will be hereafter made by the Divine Judge, of every prison official, as of all other men and women. And it is well to remember that God's authority is paramount over all administrators, whether of prisons, communities, or kingdoms. No orders or regulations, whether of a Government or a State Department, can release any one from His claims, as the Supreme Sovereign. All earthly monarchs and authorities are comparatively ephemeral influences, whose powers cease when their bodies pass to their dust. But God, Christ, the Holy Spirit, lives and reigns for ever, and will make absolute requirement of duty—a just and thoroughly fair exaction, but a permanently sovereign one—and with a gracious reward of His own eternal love, for the humble and obedient.

If, through the persuasions of chaplains, or by any other means, earnest considerations, in regard to the inalienable and certain responsibility of every person to God, can be really brought home to prison officials of all grades, then the most powerful and permanent of good influences will be exercised upon them; and the happiest results may be looked for, as to the prisoners. One of the best examples of effectual personal influence being brought to bear, from outside, upon prison officers, both superior and subordinate,

was afforded by that wonderfully devoted and faithful minister of Christ, the late Dr. R. W. WILLSON, Catholic Bishop of Tasmania, who, in spite of excessive obstacles, accomplished more than any one else in mitigating the horrors of Australian Transportation, and in promoting the ultimate abolition of that system. His labours amongst criminals, lunatics, and their officials, were singularly persuasive and successful.*

But in prisons, as in the outside world, persons profoundly affected by eternal things are only likely to form a minority. Nevertheless, every practicable means should be encouraged to extend the operation of these higher influences.

OFFICIAL UNIONS.—"THE BROTHERHOOD OF ST. JOHN."

Sometimes the mutual co-operation and voluntary organisation of prison officers, for their own moral and material benefit, may be advantageously effected. A striking example of such a union has long been furnished by the history of the still-existing Brotherhood, originally founded by Dr. Wichern, in connection with the reformatory and other schools of the "Rauhe Haus," at the Horn, near Hamburg. With this was subsequently affiliated a similar fraternity, having its centre at the St. John's Institution, near Berlin. These were formed into an extensive Guild, governed by a Directorate. The members of the Brotherhood are admitted, between the ages of twenty and thirty, to a three years' training in one of the establishments, where they receive instruction in the practical care of the young and of the poor; also in various branches of sacred and secular knowledge. Each member must furnish certificates of good character, and of ability for self-support, by some skilled industry or trade; and further, must have sufficient money to pay for preliminary

* *Vide* his biography, by Bishop Ullathorne. London: Burns and Oates, 1887.

expenses, for travelling, books, and clothing. Each, also, must agree to place himself entirely at the disposal of the Directorate of the Guild, in regard to location and occupation, after undergoing the required training. Most of the Brothers are distributed amongst the various departments of the "Inner Mission" of the German Evangelical Churches, as Town Missionaries, Bible Readers, and in work connected with Hospitals, Poorhouses, Schools, Prisons, and Refuges. The fraternity has been a most interesting and successful experiment. Its government is a combination of patriarchal authority with voluntary submission to rules. The Directors require the Brethren to relinquish their personal liberty, to a certain extent, in the interests of the Guild and of its philanthropic aims. But, in return, there are accorded various valuable privileges. Every Brother becomes a member of a beneficent union. When his duties at one place are completed, the Directors provide or seek for another situation for him. There is a common fund available for his assistance in case of illness and old age. The widows and orphans of the Brothers also receive some support. Periodical social meetings of the Guild are arranged for, so far as practicable; and when separated from each other, the names and circumstances of each member are kept in mutually sympathetic remembrance, by means of a systematic interchange of correspondence and information; and also by the practice of prayers for one another. Thus a beautiful family feeling is maintained, and a permanent provision of friendship and help is secured, for all the Brothers, wherever situated, whether at home or abroad.

Only a minor proportion of them have entered the prison service, or about seven per cent. of the whole Guild. But this number has furnished a sprinkling of a most superior class of warders and other officials for the German jails. It was at the special invitation of King Frederick William IV. of Prussia that Dr. Wichern and his colleagues

undertook to render this assistance to the Government. That monarch then constituted Wichern a Privy Councillor and a chief Inspector of Prisons. He was thus enabled materially to promote the harmonious collateral action of the respective authorities of the Guild and of the Prisons. Objection was raised, in one or more influential quarters, to the introduction of the Brothers into the penal service, as threatening to impair the central authority of the State. But, so far as resorted to, this measure has been very beneficial. It has tended to modify, in a desirable direction, the otherwise excessively military character of the officialism, too prevalent in German, as in most other European prisons. It has also introduced something of that element of individual religious freedom which is everywhere essential. And, in short, the partial resort to the services of the "Brothers of St. John," for the German jails, has worked so well that it is to be desired that a much larger proportion of the Guild than seven per cent. had been received into this department of the State.

The experiment is also an instructive one for other nations. It shows the advantage, on the one hand, of at least mingling with the ordinary military element of penal officialism, a selected band of Christian men, specially trained for the religious, educational, and industrial guidance of others. It points to the utility of Unions, or Guilds, amongst prison officers generally, for their own moral, social, and pecuniary benefit. Such organisations need in no way prejudice, or unduly interfere with, their relations to the higher authorities; but, on the contrary, they may, as was the case in Prussia, be rendered decidedly helpful to the discipline and general administration.

In England, in 1881, through the efforts of the Rev. J. W. Horsley, an association was established, named "THE GUILD OF ST. PAUL AND ST. SILAS," the chief objects of which are regular and frequent prayers for prisoners and

their officers, together with efforts to obtain employment for discharged prisoners.

German Combination of Official Power with Freedom.

It is to be remarked, in connection with this subject, that Germany, although pre-eminent in its military organisation, has encouraged, amongst its prison officers of all grades, an intelligent freedom of mutual discussion and co-operation, hardly equalled in any other European country. For many years, annual or other periodical gatherings of prison officials have been held in the chief cities of Prussia, Saxony, Bavaria, Wurtemberg, Hanover, and Baden, for the discussion of matters affecting their particular profession and the various departments of penal treatment and prevention, and also for social recreation. By this means, these German officers have become characterised by a more intelligent interest in their duties, than the similar functionaries in most other countries. They appear to be, in so far, decidedly superior to the average of British prison officials. This result has been further promoted by the establishment of voluntary Associations for the study of penal questions, in several of the chief cities, such as Hamburg, Dusseldorf, and Frankfort, and by the maintenance of several Journals and Magazines specially devoted to this department. In England some similar periodicals have hitherto failed to obtain the needful support from the public, or from the authorities.

But in Germany, and to some extent in Austria also, the officials and the supreme Government have actively encouraged both the literary and the verbal discussion of penal questions by their subordinates. The intelligent and lively interest thus manifested by the Germans, in matters relating to crime and prisons, has contrasted favourably with the comparatively mechanical routine which has too

generally prevailed amongst the managers and subordinate officers of English penal establishments. Amongst these an excessive sternness has been too frequent. Whilst a certain degree of reserve has its disciplinary use, yet its excess tends to be ruinous to those moral and religious influences which every one in authority is called by God to exercise. Men and even beasts are repelled by undue reserve. At the Zoological Gardens, in London, it was noticed that one of the attendants was greatly disliked by the animals, some of which endeavoured to injure him. Yet it did not appear that he was cruel to them; he was simply and habitually silent; he scarcely ever spoke to them. Most creatures like to be talked to in pleasant tones, even though not understanding the words. And as regards human beings, excessive reserve is hateful, and renders a man disagreeable and of little use to his fellows, whether superior or subordinate. The Germans, with less of this defect than the English, have been, both as to their military and their prison discipline, at least the equals of the latter, if not indeed decidedly in advance of them, in their powers of authority. Familiarity is a mischievous extreme, but much reserve is an evil in an opposite direction. The best efficiency avoids both. It is however only fair to the subordinate officers of British convict prisons to observe that for some of their defects they have been less to blame than the rigid bondage to minute prescription forced upon them by the central authorities, and maintained by frequent fines or other exactions.

Superior Officers and their Opportunities.—Jerry McCauley.

The influence of the superior officers in the administration both of prisons and of the police, may sometimes be exerted with immense power for the temporal and eternal good, both of their subordinates and of offenders. Many of the

latter do not furnish a very hopeful field for such endeavours. Indeed some of them appear to be almost irreclaimable. The good seed sown amongst them may be as that cast upon rocks, or on thorns. But, here and there, there will be some growth; and occasionally the fruit will be even sixty, or a hundredfold. For the resources of Divine Grace are infinite.

A most remarkable proof of this was afforded in the case of a well-known criminal, the late JERRY MCAULEY. He was born in Ireland in 1839, but was taken to New York during his childhood. Having a bad example at home he became an habitual thief and a ringleader amongst a number of criminals, men and women, of the lowest character. At length he was committed to the convict prison at Sing Sing, where he manifested some little appearance of religious impression under the exhortations of a discharged prisoner named Gardiner, who, having become a reformed character, was occasionally permitted access to the jail for reading the Scriptures and prayer with the inmates. No decided change in Jerry McAuley was yet visible. But at a later period, in 1862, the "Warden," or Governor of Sing Sing, adopted the plan of setting apart a few hours every week for private interviews with his prisoners, and especially with the object of giving them good advice under more favourable circumstances than during their association with the others. At one of these interviews a convict, named Jones, asked permission to teach a fellow prisoner to read. This was granted under certain conditions. Some time afterwards the same Jones petitioned that a few of the convicts might be allowed to meet for prayer, with the approval and presence of the chaplain. This also was sanctioned, and, commencing with an attendance of four, the gathering gradually increased to the number of about fifty prisoners. Amongst those who obtained leave to join in these meetings was Jerry McAuley, who had previously been specially urged to

amendment by the governor, in several private interviews. He had hitherto been exceedingly morose and depressed almost to despair; but, through the personal sympathy of the governor and one or two others, and being cheered by the hopes and comforts of the Gospel of Christ, he at length showed indications of sincere repentance and good resolve.

And these never passed away. For although, after leaving Sing Sing, he at first relapsed into evil courses, and more than once, yet he did not relinquish the ordinary means of grace; and these ultimately gained a complete mastery over him. His soul was won for Christ. And now he felt called to prove his gratitude to the Lord, by endeavouring to rescue other poor creatures from evil and misery. His earnestness and evident sincerity gained him the friendship of a shrewd but benevolent banker of New York, Mr. A. S. Hatch, who showed his confidence in Jerry by making him the caretaker of a private yacht, in which position he manifested fidelity and trustworthiness. But the impulse to rescue others from degradation resting with abiding pressure on his soul, he obtained Mr. Hatch's help in this direction also, and was enabled to open a mission-hall in Water Street, in one of the lowest slums of New York. Here he was wonderfully successful in gathering for Christian worship many of the most depraved and hopeless men and women of the city. His notorious antecedents, together with the evident change in his character, and his humble, straightforward, genuinely sympathetic pleadings for souls, were the means of arousing the attention and permanently improving the lives of hundreds of outcasts. There were abundant proofs of the genuine nature of these results. Jerry himself had been too deeply experienced in the ways of imposture to be easily beguiled by mere hypocritical professions. But he loved the people, in view of their immortal capacities, and of Christ's love to them. It is recorded that "his perseverance was in-

domitable, and his faith in Christ boundless. His absolute confidence was infectious." His preaching was lively and natural. He believed in the efficacy of united prayer. Like Whitfield, Wesley, and Spurgeon, he relied especially on this influence. He encouraged another means of help, which, in every age, has been much blessed by God,—the practice of hearty and melodious Christian song. Hence his mission-hall became so attractive and crowded that his friends furnished him with funds to open a larger one, named "Cremorne," in another similar slum. For sixteen years he laboured with extraordinary zeal and blessing until his death, in 1884, at the age of forty-five years. His funeral was one of the largest ever witnessed in New York, and was attended by many whom he had been the means of rescuing from temporal and future misery. He passed to his rest, having accomplished a grand life work, and having earned an abiding record, such as any monarch might envy. For of him it may be truly said, as of Barnabas of old, that by his fidelity and devotion, "Much people was added to the Lord." And what epitaph, or record, can be nobler than this?

A principal point to be here observed, is the distinct connection between Jerry McAuley's reclamation and the faithful labours of the governor and chaplain of Sing Sing prison, for the religious development of the criminals placed under their care. These efforts had also other important results; Jerry McAuley was by no means the only man then permanently reclaimed to honesty and a godly life, by the encouragement of religion in that establishment. Many of its inmates were practically changed into useful citizens, by the earnest conversations of the chief officers, and by the responses of Divine Grace to the petitions put up in the weekly prayer meetings held in the prison.

It was stated, by the New York *Observer*, that Dr. E. C. WINES, the eminent founder of the "National Prison Asso-

ciation" of the United States, was mainly induced to enter upon that important department of public service, in consequence of the deep interest in criminal reform awakened by a visit to the governor of Sing Sing, and to the prayer-meetings in his prison. But the life and labours of Jerry McAuley, alone, constituted a thousandfold success, even if all efforts to reform other Sing Sing convicts had failed. And, from time to time, other individual successes will continue to compensate and to counterbalance, in every country, the numerous or general instances in which such good endeavours may have appeared fruitless. To the prison officer who, by faithfulness to his opportunities of usefulness, seeks for eternal reward (and God judges rather as to *motives* than results), the inspired words are peculiarly encouraging: "In the morning sow thy seed, and in the evening withhold not thy hand: for thou knowest not whether shall prosper, this or that; or whether they both shall be alike good." (Eccles. xi.).

Good Lay Influence.

A layman, whether a prison official, a policeman, or in any other position, may exercise as much good influence as a clergyman, or priest. And, indeed, the non-professional and spontaneous character of lay efforts, for Christ, often imparts to them even a greater power than that possessed by the regular minister of the Gospel. The example and words of a truly Christian prison officer, policeman, commercial traveller, tradesman, domestic servant, sailor, working man, or any other lay person, young or old, are often regarded, by those around them, with an interest much superior to that awakened by ordinary ministerial effort. The Governor of an English prison informed the writer that before he came to that establishment he had desired larger opportunities of Christian usefulness than he had hitherto possessed. He found the prison afforded him the

wished-for scope, for it became to him a virtual pastorate. He long exercised a kindly paternal care over the officers and the prisoners, and also over many of the latter, after their discharge. He was firm and humane; he exacted diligence and strict obedience; he habitually prayed for his prisoners and for himself. Many were the grateful acknowledgments of abiding benefits derived from his influence, which he received from the subjects of his former care. Nor was he by any means a solitary instance of such honourable fidelity to the Highest, on the part of prison governors. Many of these laymen, and at times their subordinate officers also, have found opportunities for the effectual exercise of genuinely pastoral labours, which have afforded to them profound satisfaction, and which also, it may confidently be believed, will redound hereafter to their rich reward.

But, regarding men as they are, in the general, and in view also of the merely secular motives, often of a low character—which are so apt to characterise human governments and their whole system of patronage and appointments—it is hardly to be expected that the proportion of prison officers, distinguished by such exemplary goodness and efficiency, will be other than a minority. Too many State authorities seem to care but little for the religious and eternal interests of those whom they select for office, whether in prisons, or in other departments of the public service.

Hence, we are once more brought back to the conclusion to which so many investigations and observations lead us, that prison administration tends, for the most part, to be of such an essentially defective character, that the best economy of preventive and repressive effort, must be that which reduces incarceration to the lowest extent compatible with public security, and which seeks its objects chiefly through influences to be applied *outside* the walls of jails, rather than within them.

Chapter VIII.

ON SYSTEMATIC PRISON VISITATION.*

Visitors and Chaplains.

During the earlier years of modern prison reform, the advantages resulting from visits to jails, by judicious persons unconnected with the official staff of those establishments, were so generally acknowledged that they actually led, in considerable degree, to subsequent obstacles to their own continuance and extension. For the labours of such excellent visitors as John Howard, Mrs. Fry, Sarah Martin, with others in England, and of M. Suringar with his colleagues in Holland, and of the Philadelphia and other visiting committees in America, produced such a favourable appreciation of their practical value in the reclamation of offenders, that the authorities, in various countries, were, in consequence, induced to appoint special chaplains for prisons. It was presumed that if so much good had been effected by the occasional visits of benevolent individuals, much more advantage would be secured by the regular services of permanent resident chaplains, or moral instructors, selected by the Government and paid to devote all their time to the duties of their office. But then, at least too generally, followed the further

* The nucleus of this chapter was originally prepared for the International Prison Congress of Rome, in 1885, at the request of "The International Congress Commission."

result that the chaplains and the other authorities discouraged the continuance of volunteer visitation.

There can be no doubt but that this appointment of regular chaplains has been very beneficial to prisoners in a large number of instances. Nor is it desirable that there should be any abandonment of the plan. In Great Britain and Ireland, in Sweden, Norway, Germany, and Belgium, praiseworthy and systematic arrangements are made for the supply of at least one chaplain to every jail. In many of the prisons of these countries there are also resident schoolmasters.

Nevertheless, the spontaneous character of volunteer visitation is a favourable feature in the eyes of prisoners, who view with some suspicion everything connected with officialism and State authority. The chaplain, together with every other regular officer, is, to a considerable extent, inseparable, in the minds of prisoners, from the ideas connected with the punitory and judicial attributes of the Government. There is also a constantly lurking apprehension that the functions of *espionage* cannot be altogether separated from the duties of every regular official. Indeed, even in the case of voluntary visitors, if any ground is afforded for a similar suspicion, their influence and usefulness are at once greatly diminished, if not wholly destroyed. This was the secret of the failure of the earlier "Patronage Society" in Belgium. It is one of the very first essentials for the success of prison visitation, that its objects shall have no reasonable grounds for suspicion, or for fear, that their confidential communications may be made use of, to their own detriment.

And there is another reason for supplementing the services of the regular staff by such visitors. This consists in the universally observed fact that all permanently appointed and paid officials have a tendency to settle down, with too much persistency, into narrow grooves of uniformity. They manifest a frequent disposition to shrink

from the trouble which any change, or progress, however desirable, involves. They are apt to become somewhat "fossilised," and to reverence old habits at the expense of needful modifications, called for by changing circumstances and environments. In short, every atmosphere of undiluted officialism almost necessarily requires ventilation from time to time, by the freshening effect of external influences. This applies especially to prison administration.

Mrs. Fry records her observations of the vulgarising and lowering influence exerted upon the minds and moral feelings of the female officers, by a too exclusive association with the offenders placed under their care. She noticed that the occasional, or rather the frequent, visits of ladies of education and refinement, were very useful, by reason of their influence upon these officers, as well as upon the prisoners themselves. This remark applies, in considerable degree, to all the subordinate functionaries, whether men or women. They, as well as their prisoners, need frequent contact with persons of high moral and intellectual development. It is almost impossible for an *individual* chaplain or schoolmaster to accomplish what is needful, in these and other respects. The chaplain of a large English prison for men writes to the Howard Association:—"I wish I could have two or three gentlemen here to work under me. I could get them to-morrow, if permitted by the authorities. What can I do, single-handed, with the thousands of cases passing through this prison every year?" Many other officers could echo these words. In some large British prisons, the intercourse of the chaplain with each convict merely averages a few minutes of each week or fortnight.

Official Prejudice.

There are immense forces of prejudice and apprehension in the minds of many of the authorities, which tend to

obstruct and delay the volunteer assistance, so earnestly desired by the chaplain just quoted. How great and how wide-spread are such apprehensions, may be partly inferred from the very circumstance that the Council of the International Prison Congress at Rome thought it expedient to propound the subject in the form of a question, "Is it desirable to permit and encourage visits to prisoners, by persons who are members of patronage societies or benevolent associations, but unconnected with the administration?"

The fact of this query being gravely raised, as an open and dubious question, late in the Nineteenth Century, indicates how little opportunity had yet been permitted in Europe for the satisfactory solution of the subject, and also how much the favourable experiences of volunteer visitation, in the days before the general appointment of resident chaplains, had subsequently been forgotten by the modern generation of administrators. It also points to the need for some fresh notice of the scattered efforts in the same direction which, in various countries, but on a very limited scale, have continued to be put forth.

Philadelphia Visitors.

It is chiefly in some of the Northern States of the American Union, that both the successes and the failures of volunteer visitation have been observable of late years; because in that country, more than in any other, the authorities have opened the prisons to the influences of benevolent persons from outside. Yet, even there, it is by no means easy to measure the benefits of this system; inasmuch as all moral results are peculiarly difficult to estimate.

The oldest and most systematic body of volunteer prison visitors in the United States, if not in the world, is the "Philadelphia Prison Society." It was founded in 1787, and has been incorporated by the State Legislature.

It consists of about fifty regular visitors; and, on the average, they visit more than 350 prisoners each month. In a recent Memorial to the Legislature, the Committee remark: "For *one hundred years,* the members of this Society have rendered personal, constant and gratuitous care to the prisoners of fully one-half of this State, visiting them continuously in their cells, giving them wise counsel, urging reformation, and encouraging and aiding them by every means in their power." They add that they have often been rewarded by improvements in the moral state of the offenders, not only while in confinement, but after discharge: and that some of them have risen to honourable positions in the community. They further observe that theirs is "a work which saves not only the lives and characters of human beings, but thousands of dollars to the treasury of the State; and at the same time gives greater protection to the community and exalts the standing of the commonwealth."

Pennsylvania alone, amongst American States, has retained, though in a relaxed degree, the Cellular System, and has endeavoured, in the chief prison in Philadelphia, to secure the separation of prisoners from the corrupting effects of association with their fellow-criminals. At the same time, an unnatural and pernicious solitude has been guarded against. And it is especially by means of the constant visits of the many members of the local Prison Society that the success of this modified and ameliorated system has been maintained. The Committee speak of it as "The Separate System of our State, the system whereby re-commitments are lessened, and the opportunities for reformation increased." The visitors carefully cultivate harmonious relations with the resident officers, and earnestly seek to avoid interference or collision with them. They work well together. Even as to the prisoners, the reception of visits is not compulsory. Each is allowed the exercise of his own choice, as to being visited or not; and also if he objects

to any particular visitor, his feelings on that point are respected. A recent instance is mentioned of a prisoner there, who, on being first accosted by some of the Committee, replied, "Have you any whisky? That is all I want." But by means of subsequent offers of books and of seeds and plants for his little plot of garden-ground, his reluctance was overcome and he willingly accepted the good offices of the visitors.

Both the governor and the resident chaplain (or "moral instructor") of the Philadelphia State prison, testify in their reports to the value of these volunteer services. It is mentioned by the Prison Commissioners of an adjoining State, NEW JERSEY, that an experiment made some years ago to introduce, in that district, the separate system of imprisonment, resulted in failure, mainly and especially because *no collateral provision* was instituted for securing the visits of suitable persons, outside the regular official staff.

The essential separation from evil should never degenerate into unnatural solitude. KING OSCAR I., of Sweden, well observed that, "The solitary cell ought to be inaccessible to the outer world, but *not* to the admonishing and instructing voice of the philanthropist. 'I was in prison, and ye visited Me,' say the Scriptures. May the heavenly doctrine not be lost, but manifest itself in action."

OTHER AMERICAN VISITATION.

In some of the American prisons, the aid of volunteer visitors is the almost exclusive means for diminishing the ignorance of the inmates.

At BALTIMORE, prison visitation has been erroneously stated to have failed, owing to sectarian jealousies and mutual interferences on the part of the ministers of the various denominations, who were permitted free access to the inmates. But recent inquiries have proved that, on the

contrary, the visits have been very useful, and warmly approved by the authorities. In the Western States of Indiana, Iowa, and Illinois, the members of the "Hicksite" section of the Society of Friends have taken a prominent, and almost invariably successful, part in the work of prison visitation in their respective districts. A governor of Iowa State Prison has reported that, "Very important moral aid has been rendered, from time to time, by many godly men and women of the 'Hicksite' Friends' sect, who have spent hours and days here, ministering to the moral welfare of the prisoners. The effect of these visits was so unquestionably beneficial to the convicts, that I should be remiss, if I failed to make formal mention of them, as examples of Samaritan goodness which others may well emulate. If these good people fully realised the beneficent influence their visits and ministrations made upon the convicts, the reflection would constitute a reward so ample as to leave little else to be desired." But it is to be noted that "the Friends," as a body, cultivate, in their ministrations, the elements of spiritual encouragement, and inculcate the universal love of God to man, and the grace of the Divine Spirit as offered to each individual heart. They also scrupulously avoid mere terrorizing attempts to proselytise, and usually confine themselves to the simplest principles of religion.

The ultimate good effects of such influences have been proved in many instances. The governor of a prison in New England stated, at a public conference, that he knew sixty-four criminal men who had been induced, by lady visitors, to lead altered lives, and some of them had died rejoicing in the hope of everlasting life. He added, that he "felt prepared to lose his arm, if necessary, in defence of the work of lady visitors in prisons."

Yet, in regard to some American prisons, it is also to be observed that a gross want of care is manifest. In many jails almost indiscriminate access to the inmates by out-

siders is permitted. In some of them, the prisoners are subjected to the idle observation and curiosity of any strangers who choose to pay a small fee to the jailer or sheriff. Whilst marked benefit arises in the prisons where visitation from the outside is subjected to discriminating regulations, there can be no doubt but that great mischief, both to the inmates and to the community, ensues from the reckless license often permitted in America in this matter.

France and "the Christian Brothers."

Amongst European nations, there is a general tendency on the part of the authorities, to restrict the voluntary visitation of prisoners to the smallest possible limits. Beyond occasional visits from their nearest relations, the prisoners are, for the most part, separated from all social influences but those of the prison itself. In France, a very limited and partial relaxation of this exclusiveness has been permitted of late years in regard to certain gentlemen of good position who have had access to the Protestant prisoners. The effect of this permission, so far as extended, has been very beneficial, and has been encouraged by the officials. It is matter for deep regret that the recent tendency of the Legislature and Government of France has been directed in opposition to religious and moral influences of any definite character, whether Catholic or Protestant, and whether proposed for the inmates of prisons, schools, or charitable institutions generally. Grievous has been the injury inflicted upon that great nation by the disastrous influence of infidel statesmen and agitators. In consequence, the ranks of criminality, ruffianism, and pauperism, have been greatly increased.

If a wiser spirit had prevailed amongst these rulers of France, they would have profited by the experience already derived from a most successful and interesting

attempt which was commenced in that country in 1841, with a view to enlist the voluntary services of religious and philanthropic persons, for the reformatory discipline of prisoners, and for the relief of the arduous duties of the paid officers. This remarkable and memorable experiment, which extended over a period of seven years, consisted in the employment of the members of the Catholic order of lay teachers, named "THE CHRISTIAN BROTHERS," not only as instructors, but as general custodians and managers of thousands of the worst convicts, both adult and juvenile, in four large prisons. These "Brothers," it may be remarked, derive their foundation, as an order, from the saintly JEAN BAPTISTE DE LA SALLE, Canon of Rheims, in the seventeenth century, who sacrificed his private property, his official emoluments, and his ecclesiastical position, in order to devote his life to the training of young men for the gratuitous secular and religious instruction of children, especially those of the poorest class. He was so anxious to guard the members of his Order from temptations to quit their avocation through self-interest, or for the service of the more prosperous portions of the community, that he instituted rules forbidding any of the Brothers to enter the priesthood, or even to learn, or teach, the Latin language. All their services were to be gratuitously rendered. The discipline of their Order prescribes for each Brother four hours' daily devotion, six and a-half hours' teaching, and two hours' private study. The lives of these good men are profoundly benevolent, prayerful, and Scriptural. Their Regulations order that "they shall always carry about with them a copy of the New Testament, and shall pass no day without reading a portion of it, in faith and veneration for the Divine words which it contains. They shall regard it as their primary and principal Rule."

The great success and popularity of these "Brothers," as teachers of youth, suggested to the authorities of

Nismes in 1841, the idea that they might be similarly helpful in the service of the local prison, where brutal warders and an iron military discipline had produced a general condition of insubordination and fierceness amongst the convicts of all ages. The Minister of the Interior, at Paris, after careful inquiry and much hesitation, at length entrusted the Brothers with the care of the younger prisoners at Nismes. So marked an improvement in the discipline promptly resulted, that in 1842 the whole 1,200 convicts in that establishment were placed under the management of the Order. What followed is thus described (in the interesting book, entitled, "The Christian Brothers, their Origin and Work," by R. F. Wilson; London: Kegan Paul & Co.)—"In the course of two months the whole character of the prison was altered. Instead of being guarded by men of fierce and threatening aspect, who were never without their swords and who ruled by fear alone, addressing them in words of contempt, intermingled with oaths and imprecations, the convicts found themselves watched over by unarmed men, who, with no means whatever of defence, moved fearlessly among them, always gentle and quiet in manner, speaking to them words of kindness, and encouraging them to resignation and hope. The sight of these men, who came and buried themselves in the prison, with the one purpose of being of use to them, and who, for no human interest, but simply for the love of God, gave themselves up, of their own free will, to such a hard and revolting task, first astounded them, then made them think, and kindled a feeling of gratitude in their hearts. They heard of God, of His mercy, of a life to come, of restoration through repentance, of the hopes, even in this world, attendant on a new life of well-doing; and the power of the religion of Christ triumphed over those hardened natures."

The experiment at Nismes was so satisfactory that, after three years' observation of its results, the Government en-

trusted the Brothers with the care also of the great central prison of Fontevrault, which contained 1,200 adult convicts and 200 boys. Forty-eight Brothers were sent there. Other prisons were subsequently placed under their management, and with excellent effect. But the Revolution of 1848 burst like a storm over France, and, amongst other destructive consequences, it put an end to the prison labours of the "Christian Brothers." This was not by the direct request of the Government, but in consequence of changes in the prison administration, which the "Brothers" could not conscientiously approve or support. They therefore, in September, 1848, withdrew from their prison service, and returned to their ordinary educational work, amongst the children of the poorer classes. But even the Revolutionary Government officially expressed gratitude for "the devotion which the Brothers had shown, and the services which they had rendered in the prisons." The Superior of their Order, Frère Philippe, also received a letter from the Minister of the Interior, stating that he could never forget the "remarkable improvement" which had resulted at Nismes prison in particular, from "the careful and just superintendence of the Brothers," and "the example of their own devotion and their wise counsels and pious exhortations."

This eminently successful experiment furnishes, in itself, a sufficient proof of the importance and practicability of the visitation and control, of even the worst classes of criminals, in prison, by judicious and benevolent volunteer agents, especially when forming a part of a carefully-organised scheme of service. The Roman Catholic Church excels in its orderly organisation; and hence has ensued some of its special success in prison visitation, in France, Ireland, Belgium, the United States, and elsewhere. But the chief element, in these good effects, has undoubtedly consisted in the prominence which, through all the ages, and notwithstanding the revolting cruelties of the Inquisition, and the frequent evils resulting from unnatural clerical celibacy,

that great Church has given, both in its public and private ministrations, to the amazing love and sublimely-condescending self-denial of the Most High, in the Incarnation and Cross of our Lord Jesus Christ. This is the grandest power for the regeneration of humanity, not merely for criminals, but for every class of every community.

India.

In certain districts of British India there exists a system of prison inspection which possesses certain advantages, and which much resembles the existing, but too often nominal, functions of English "Visiting Justices." About ten or twelve persons of respectability are designated, by the authorities in the neighbourhood of each jail, to act as independent unpaid visitors. They are selected from the principal inhabitants, chiefly Europeans, and include, especially, medical men and magistrates. They enter the prisons whenever they choose, and their services are valued by the resident officers of those establishments, who look upon them as friendly advisers and colleagues, rather than as spies, or as exercising undue interference. The Governor of one of the largest Indian prisons, remarked to the writer: "If I want anything done for the prison by the local Government, it occasionally happens that, in the first place, I mention it to one of these visitors, and suggest to him to make a formal report, or application, in its favour. He can thus, at times, obtain for me what I could not procure by my own unaided request, from the chief authorities." These gentlemen, however, are rather *Inspectors* than *visitors* having any special purpose of instruction or personal influence.

Australia.

In some of the Australasian colonies, especially in South Australia, Victoria, New South Wales, and Queensland,

much good has resulted from certain experiments in the volunteer visitation of prisoners. Some instructive remarks upon this point were made before the Queensland Government Commission on Prisons, by Mr. J. F. HORSLEY, of the Prison Gate Mission, in 1887. He said: "There is a terrible antipathy to preachers and parsons amongst the criminal population. They will not listen to a man because he is a parson. Yet they are open to a layman's influence, if he will deal kindly and straightly with them." He also remarked: "I look upon reclamation as being better carried out by personal influence than by preaching. I have been twenty years in the ministry; and since I gave it up, I have had more influence by personal intercourse, than I had in doing pulpit work. For instance, Dr. Singleton, who has been a visitor in jails for fifty-five years, is allowed to go through the prisons and talk to the prisoners, and his influence is marvellous. We want men to go to the jails, not to hold service and go out again, but men who, without interfering with the prison discipline at all, can have conversation with the prisoners, with the confidence of the Governor; so that they can go into the cells without the Chaplain putting up his back about it."

When asked by a Commissioner, "But is not such a manan exceedingly rare gem?" Mr. Horsley replied, "It is because they have no opportunities. I have been surprised at the help we received in our work in Melbourne; and great numbers also came forward, from whom we did not expect assistance, to give employment to these men. The help that we received surprised me." (Report, p. 73.)

ENGLISH PRISON VISITATION.

In ENGLAND, voluntary visitation to prisoners was, at a very recent period, discouraged, and almost prohibited. There is now, however, becoming manifest, on the part of

the chief authorities, a rather more favourable regard to it. A noteworthy instance of the value of such visitation has been furnished by Miss FELICIA SKENE, of Oxford, whose weekly visits to the women in prison, in that city, were so beneficial to the discipline of the establishment, that, on the assumption of the control of all the prisons by the Government Commissioners, in 1878, the Governor of the jail, and the Protestant chaplains, with the approval of the Catholic priest also, united in petitioning for continued permission for this lady's very useful visits. After much questioning and hesitation, the Commissioners accorded their sanction. But Miss Skene made it an indispensable condition of her own assent that she should be allowed to see each prisoner *alone*. For, as she has observed, prisoners will not, in general, speak freely and confidentially in the presence of a third person. Much of her effort has been directed to obtaining employment for the women, on their discharge from jail. By means of extreme perseverance and most praiseworthy kindness, she was enabled to obtain situations, or occupation, for sixty of these, during three years. This was accomplished by her individual efforts, and in the absence, at that time, of any local society for aiding prisoners on their discharge.

Similarly valuable results have attended the voluntary visits of Mr. THOMAS WRIGHT, of Manchester, Mrs. MEREDITH, of Wandsworth, Miss ANTROBUS, of Kensington, and some other good persons, whose labours amongst prisoners were often gratefully acknowledged by their officers, and who were the means of reclaiming and restoring many poor wanderers from the paths of crime and misery. The authorities of the prisons of Norwich, Worcester, and several other British jails, have recently encouraged, with excellent effect, the visits of judicious Ladies to the female inmates.

A Secretary of State for the Home Department (Sir W. V. Harcourt) on being addressed on the desirability of further

encouragement to such volunteer visitation, replied:—"We have the local Magistrates, who are already authorised to visit prisons. These are sufficient; or, if not, they ought to be so." These words expressed the prevalent but fallacious idea, which has so strongly influenced the British official mind in regard to this subject. It is felt—and so far rightly—that the ranks of the magistracy contain so many gentlemen of special intelligence and sound judgment that they would be competent to afford adequate assistance in supplementing the oversight of prisoners by the resident officers. But the accompanying fallacy consists in the virtual inference that because the magistracy have the needful power, they all possess the *inclination* to avail themselves of their opportunities, in this direction, and to the requisite extent.

Further, the actual conditions of magisterial visitation to prisons, preclude many of the necessary results. A small committee of the magistrates, in every district, is set apart under the designation of "VISITING JUSTICES" for each "LOCAL JAIL." Two or three of this body usually proceed to the prison about once a month. They remain there an hour or two, on such occasions, ask a few questions of the officers and inmates, walk round the galleries, accost a few prisoners in their cells, or at work, authorise the infliction of any special punishment (such as flogging) which may be awaiting their sanction, make a brief record of their visit, and then take leave of the establishment until the following month.

In general, scarcely any other visitation of the British "Local Jails" by the magistracy takes place. For although a large number of gentlemen are, by reason of their holding this office, permitted access to the prisons, yet, as a matter of fact, they rarely avail themselves of the opportunity. For they feel a not altogether unreasonable hesitation to appear to interfere, in any degree, with the functions of the small body of "Visiting Justices" specially designated and

deputed as such. The writer, in visiting one of the county jails not long ago, was informed, "You are the first person, except the Visiting Justices, who has been allowed to go over this prison during the past two years." This exemplifies the excessive and dangerous secrecy of British prison administration, even at the present day.

A brief visitation of the CONVICT prisons also takes place, from time to time, by means of the unpaid "Visitors" (two or three to each establishment) nominated by the Secretary of State, in accordance with the recommendations of the Royal Commission on the Penal Servitude Acts (1879).

It is of great importance to note that, in both classes of English prisons, therefore, the existing visitation, by authorised but semi-official persons from outside, is an Inspection, on behalf of the Government, with the almost exclusive object of affording a check against abuses in the management of their establishments. This class of visitors, whose services, as such, are certainly of decided value, can hardly be said to exercise, or apparently even to desire to exercise, the further important function of bringing moral and beneficial personal influences to bear upon the prisoners themselves. Their visits also can scarcely be termed voluntary, in the strictest sense of the word, inasmuch as their office imposes, or at least implies, a certain obligation to represent the Government. They are, indeed, *non-resident officers* of the prison, though with exceedingly limited powers. And, as such, they are rather *inspectors* than visitors. They do not appear to regard the moral elevation of the prisoners as specially, if at all, coming within the scope of their functions.

HEARTY PERSONAL INTEREST ESSENTIAL.

No class of visitation, originating exclusively or mainly, in merely official duty, can exert the influence which

attends the efforts of really spontaneous benevolence. And it is most desirable to seek out and encourage those persons —generally few in number—who, in any locality, may possess this qualification, combined with due prudence. The venerable M. SURINGAR observed, in reference to this heartfelt interest, "Whatever may be wished and done for prisoners, without the aid of religion, their reclamation is utterly chimerical. They must be saved by the religion of the heart—by a life in God. Religion throws its lucid beams on the three awful mysteries, of birth, life and death. But the dispenser of the light, whether he be clergyman, schoolmaster or visitor, must be internally lighted and warmed himself. He who does his work from a cold feeling of official duty only, he who has not his heart and soul in it, will never become a friend to the prisoners. The prisoner feels that his words do not proceed from the heart."

Now it is not in the power of any Government to give its officers these necessary feelings. Nor can any rank or position secure them. Efficient prison visitors do not become such, by any state command or appointment. They must be sought out, or accepted, if suitable, when they offer themselves. And if, on experience, they are found to possess the great gift of power over the hearts and lives of criminals, they should receive due encouragement and honour at the hands of the authorities.

COMMON SENSE INDISPENSABLE.

But the discrimination of the necessary qualifications for such visitors needs, like most other matters, the exercise of common sense and the establishment of some plan of systematic and orderly procedure. It will be found that the failures of prison visitors have chiefly arisen from the absence of these. In some cases, very unsuitable persons, with little or no knowledge of human nature, have been

admitted. For instance, a certain lady was permitted to have an interview with a female in an English jail. Immediately on her departure, the prisoner, who had usually been tolerably well-behaved, became excited in the highest degree, reduced herself to a state of nudity, and broke out into wild vociferations and frantic motions. On inquiry it was discovered that the foolish lady had been terrifying her with threats of eternal torment for her sinful life.

Again, a gentleman succeeded, by talking of "hell-fire," in so thoroughly exasperating a prisoner, that the latter seized him, and exclaiming, "I have hell enough here already, without your bringing me more of it," was about to administer summary violence, when the officials, roused by the noise, came to the rescue of the visitor.

Another unsuitable and gullible person, who was permitted to converse with the inmates of a German prison, presently hastened into the Governor's office, with both hands raised above his head, exclaiming excitedly, "Oh, Governor, this prison is full of poor innocent men. They all tell me they are innocent!" Such injudicious ladies and gentlemen, however well-meaning, should never be admitted into prisons. But the question may be raised, "If volunteer visitors are to be admitted at all, how are such unsuitable persons to be excluded?" The answer is obvious. By the exercise of a little careful discrimination and enquiry beforehand, as to their real qualifications and experiences. A similar care is, however, still more essential in regard to the selection of prison Chaplains and Schoolmasters, some of whom have at times manifested as great a deficiency of common sense, as the most inexperienced of non-professional visitors.

Further, the volunteer intercourse with prisoners, should be made a matter of *gradual development,* both as to duration and the topics of conversation permitted. When the experience and qualifications of the visitor become more

clearly ascertained, then the opportunities of visitation may be extended.

Definite Aims.

A chief and most important element of success in this matter, is to have definite aims and subjects arranged for. Mere spasmodic, vague, or aimless visits should not be permitted. There must be order and system. If the special object is religious instruction, some particular portion of the Bible, or other good book, or some selected hymns, should be the basis of the interviews. If secular education, then some course of lessons in reading, arithmetic, writing, or other useful knowledge. If general morals, then some regular lectures on Temperance, or Kindness to Animals, or Thrift, or other duties.

The most successful prison visitation is that which is regular in its arrangements, and definite in its aims. And amongst these objects, the ultimate career and disposal of the prisoners, on the termination of their sentences, should be prominently kept in view, especially when the time of liberation approaches.

"Prison Gate Missions" and Aid Societies.

The help of the prisoners, after discharge, forms, of course, the special function of those "Patronage" or "Aid Societies" which are, happily, becoming more numerous in most countries of Christendom. But the useful service of forming an efficient connection between these Societies and the objects of their care, may be facilitated by more freely extending permission for the preliminary visitation of the latter before their discharge. Some of these Associations have taken the name of "Prison Gate Missions," because they make arrangements to meet the prisoners at the gates of the jail, on liberation, and then and there to invite them to a breakfast, and endeavour to enlist their

goodwill on the side of virtue and temperance. In the case of one peculiarly successful Prison Gate Mission, that of "St. Giles," in London, one or two of the principal agents have been permitted regularly to enter the jails a few minutes before the discharge of the prisoners, so as to secure the opportunity of offering them immediate assistance on quitting the walls. Many thousands of criminals have thus been helped by that particular Mission, and hundreds of reformed lives have resulted from the labours of its Agents. Some of the Judges and chief authorities of the Departments of the Prisons and Police have borne repeated and willing testimony to the practical value of the services rendered by the agents of such Missions. Persons like these, who manifest so much wise beneficence, might surely be trusted with a more frequent and less restricted access to prisoners, during their confinement.

Lay Agents.

Candour requires the remark that there is an extensive concurrence of opinion amongst intelligent observers, that judicious *lay* persons, as a class, are at least as suitable for dealing with criminals, either in or out of prison, as professional clergymen, priests, and ministers. For it is an unquestionable fact that brief sympathizing conversations, especially by virtuous and benevolent persons, are at least as useful to prisoners (and indeed, generally, to all other people) as set sermons and pulpit addresses. Most prisoners, at any rate in Great Britain, have too much of the latter and too little of the former. It is perhaps an almost universal tendency to overrate the efficacy of regular sermons upon mankind, as compared with self-convincing personal example, the educational development of good actions, and the influence of free and easy conversational sympathy. A shrewd clergyman has remarked that his own class, especially, are too apt to assume that

men can be "pulled up to heaven by their ears," merely or mainly. Hence lay religious influence may be as important as clerical, both in prisons and in the world in general. Pulpit voices are too apt to soar above the head and heart.

It is a noteworthy circumstance, which should never be lost sight of, that no class of visitors to prisoners have been more practically useful than those of their own grade in life—as hard-working men and women. Such an one was SARAH MARTIN, the young dressmaker of Yarmouth, who, whilst working long hours daily, for very scanty wages, fulfilled, for twenty-three years, the duties of chaplain, schoolmistress, friend, almoner, and guardian, to the inmates of the local jail. Such an one, also, was THOMAS WRIGHT, of Manchester, who, for many years, was a workman, on weekly wages, in an engineer's establishment in that city. During seventeen years of this period he was able to assist 941 discharged prisoners to go abroad, or to obtain employment at home. The officers of the local prisons repeatedly bore emphatic testimony to the great value of his services amongst their inmates. The British Government offered him an appointment of £800 a-year, as Travelling Inspector of Prisons. But this tempting offer he promptly declined, believing that it would not increase his usefulness, but, on the contrary, diminish it; as he felt assured that he would thus lose much of the influence which, as a voluntary and disinterested agent, he had obtained over the hearts and lives of so many criminals. And no one has been more successful, amongst recent visitors to prisoners in England, than WILLIAM WHEATLEY, a working gold-beater, of London, who has largely achieved for "the St. Giles' Mission" its honourable pre-eminence in this department of effort.

Beneficial Regularity.

In proportion as visitors to prisons are to succeed in their work, it may again be remarked that it is of special importance for them to adopt definite aims and regular courses of instruction, in dealing with the inmates. A local committee might, in some cases, assist them to lay down such regular lines of action, and might also from time to time take cognizance of their due attention to these systematic arrangements. Such a committee may be very useful for some visitors, but may be unnecessary for others, and occasionally might even prove a hindrance to persons of proved ability.

But under a few judicious conditions of arrangement, there is ample reason to conclude, from past and present experiences, that a great extension of useful influence upon prisoners will be secured, in proportion as the services of competent visitors are more generally encouraged in penal establishments. And further, the extension of such visitation is not merely a desirability, but a positive *necessity*, if effectual progress is to be secured in that separation of prisoners from mutually contaminating influences, which is the absolutely indispensable condition of any system of prison discipline which shall be the most wisely beneficial for purposes of reformation and deterrence, and also, ultimately, the most economical for the State.

Chapter IX.

THE AID OF DISCHARGED PRISONERS.

Double Object to be Kept in View.

The chief objects to be steadily kept in view, in any efforts to assist discharged prisoners, should be such modes of help as may combine the best interests both of themselves and of the community. This will primarily involve two things: firstly, that the direct aid to this class of persons shall consist mainly in endeavours to obtain employment for them, or to stimulate them to self-supporting industry; and secondly, that those at least who have been imprisoned more than once, shall not be allowed to enter situations, especially those involving considerable responsibility, without their employers being made fully conscious, from the first, of their antecedents. This course has been found to be, on the whole, the most advantageous to all parties concerned.

On the one hand, it is unjust to the community that persons previously habituated to dishonesty, and not yet proved to be reformed from past frailties, should, unconsciously to their employers, be placed in positions where valuable property would be entrusted to their care; or that individuals whose lives had, before imprisonment, been characterised by vice and profligacy, should be permitted to enter families or households, without the heads of such establishments being made aware of the necessity of some

special care, in regard to these new-comers. The neglect of such a precaution would be sure to lead, in many cases, to irresistible temptation and cruel injuries.

It is a mercy that discharged prisoners, other than first offenders, shall be defended from such probabilities of further mischief to themselves and others. And, it is especially a kindness to these persons that they shall be, from the outset, relieved from all anxiety on the ground of betrayals by former fellow prisoners, or by the police. Their position, on obtaining situations where their antecedents are clearly understood by their employers, will be secure from the harassing apprehensions and fears which, in so many instances, have grievously perpetuated the sufferings of this class. The knowledge of a former offender's career will, of course, in many instances, render it difficult for him, or her, to obtain situations of trust; but then it may be justly considered that these persons should not be placed in such positions until they have, by a steady course of perseverance, given proof of their fitness to occupy important posts and to be treated with full confidence.

Some of the less responsible descriptions of occupation are often found to be available for discharged prisoners, whose antecedents are, in a judicious manner, made known to their employers. It has, indeed, been repeatedly observed in practice, that some persons decidedly prefer to have servants of this class; because their circumstances furnish some special guarantees for good behaviour. They are anxious to regain a favourable character; they therefore strive to do their best. They are aware that their employers already know the worst about them, and therefore they are not under temptations to hypocrisy or deceit. Rather a lower than a higher standard of merit is tacitly assumed for their attainment. Hence their position is somewhat easier than it might otherwise be. The eyes of the chief police authorities (at any rate in England) are

upon them, for a beneficent and not a malignant purpose. They are thus relieved from fear of the subordinate members of the force, whilst their masters feel that, in the privately-exercised supervision maintained in regard to these persons, either by the chiefs of the police, or by the agents of a Discharged Prisoners' Aid Society, or by some other delegated local authority, there is afforded a considerable protection against dangers arising from dishonesty.

Such a system is a combination of mercy and justice. This was proved, under the plan formerly adopted by Sir Walter Crofton and his agent, Mr. James Organ, in dealing with the better class of Irish convicts on their discharge. The circumstance that their antecedents were, from the first, made known to their masters, and that a kindly oversight was still exercised in regard to them by the authorities, facilitated the procuring of occupation for a large number of them. It may here be noted that since Sir Walter Crofton left Ireland, that part of the United Kingdom has been marked by a comparative absence of effort on behalf of discharged prisoners.

Union of Voluntary and Official Action.

A union of voluntary and official action is very desirable, if not indeed essential, in organising efforts for the assistance of discharged prisoners. If the arrangements are exclusively retained in the hands of the prison or police authorities, a certain amount of suspicion or reserve is liable to exist on both sides. Where, as in Great Britain especially, the co-operation of private individuals and philanthropists, or societies, has been encouraged by the Government, excellent results have been obtained. Much of the recent diminution in certain classes of crime, in this country, is attributed, by competent observers, to this combination of effort.

There were, in 1888, about seventy Discharged Prisoners' Aid Societies in England and Wales; or rather more than the number of prisons.

Amongst English persons who have specially exerted themselves on behalf of Discharged Prisoners and of Associations promotive of their reclamation, or of kindred objects, may be named the DUKE OF WESTMINSTER, the EARLS SHAFTESBURY, DERBY, CARNARVON, RUSSELL, CHICHESTER, LICHFIELD, and CARLISLE, LORD ABERDARE, LORD CROSS; Mr. T. LL. MURRAY BROWNE, Mr. WM. BAYNE RANKEN, Mr. T. B. L. BAKER, Colonel HOWARD VINCENT, M.P., Mr. JOHN WALTER, M.P., Mr. JOHN P. THOMASSON, M.P., Mr. PERCY NEAME, Sir WALTER CROFTON, the families of the BUXTONS, HANBURYS, GURNEYS, BARCLAYS, CARPENTERS, HILLS, CHANCES, FOWLERS, VERNEYS, ASPLANDS, LUPTONS, PEASES, RECKITTS, PECKOVERS, BACKHOUSES, Right Hon. STEPHEN LUSHINGTON, Mr. PETER BEDFORD, Mr. W. WHEATLEY, Mr. G. HATTON, Mrs. SUSANNAH MEREDITH and Miss LLOYD of Wandsworth, Mr. W. PATERSON, and Mrs. M. WHITE, of Glasgow, Captain CHRISTIE, and Mr. J. E. DOVEY (Edinburgh), Miss F. SKENE, Mr. A. J. MADDISON, Captain W. T. HARVEY, Bishop R. W. WILLSON, Rev. G. MERRICK, Rev. J. W. HORSLEY, Rev. JAMES NUGENT, Sir J. EARDLEY-WILMOT, Bart., M.P., Sir W. VINCENT, Mr. JOHN E. WILSON, J.P., Mr. H. MANTON, J.P., and Mr. A. ALBRIGHT (Birmingham), Captain G. ARMYTAGE, Major F. H. NOOT, Mr. L. T. CAVE, Mr. JOHN BAILY (Plymouth), Mr. JOHN RYLANDS, J.P. (Manchester), Mr. JOHN HORNIMAN, Mr. F. D. MOCATTA, Mr. JOSEPH HUNTLEY, Mr. SHEPPARD (Wakefield), Mr. OAKELEY (Taunton), Rev. T. H. COLE (Lewes), Rev. M. F. FRIEND, and many others.

The Government distributes annually about £4,000 amongst the English Discharged Prisoners' Aid Societies, but on the condition that an amount, equal or approximate to the sum granted in each case, shall also

be contributed by local private beneficence. This is a material stimulus to unofficial charity.

There is thus, in this country, an exemplary union of the official and the non-official elements, in the management or distribution of the money available for the aid of discharged prisoners. In most cases, the governor and chaplain of the jail, with several of the neighbouring magistrates, clergy, and other benevolent individuals, constitute the working nucleus of any local society for this object. They usually, but not always, employ a special Agent to devote either a part or the whole of his time to visiting the discharged prisoners individually, and to endeavour to obtain lodgings and employment for them, and to disburse, on their account, in the purchase of tools, clothes, or in travelling expenses, the portion of money which has been allotted to them.

The Agents.

The careful selection of Agents, where any such are employed, is a matter of great importance. Many of these officers are exemplary and earnest in the fulfilment of their duties. But occasionally, complaints have been heard of collusion between them and the discharged prisoners, and of their mutually spending the money-grants in drink. Such abuses, however, appear to be exceptional. Nevertheless, some vigilance against these and similar practices, is always necessary. Both paid and unpaid agency have, respectively, some particular advantages and disadvantages. Unpaid service is often the best and most genuinely effectual, but it also sometimes involves an undesirable irregularity and independence of action. On the other hand, a paid agent is more amenable to rules and order, and his responsibility can be more certainly and promptly enforced.

One of the chief desiderata of existing systems of aid to discharged prisoners, consists in the need for more

systematic communication between the agents, and for the exchange of information respecting applicants and cases removing from one district into another. Better arrangements in this direction will probably be introduced gradually.

A Feeble Folk.

It is not in general advisable to pay money direct into the hands of prisoners on their release, but rather to provide for its right outlay on their behalf. It has repeatedly been observed that money given to prisoners, on leaving jail, has been immediately spent in drunken revelry and licentious company. There has, however, been a too characteristic tendency on the part of some Aid Societies to attach undue importance to the mere process of doling out the instalments of the earnings or grants. This, after all, is a very minor matter, as compared with the service to be rendered by persevering kindly oversight ("*l'aumône de la direction*"), and especially by endeavours to obtain for each liberated prisoner some one friend and judicious adviser.

Discharged prisoners are a peculiarly "feeble folk." The difficulties and temptations which beset them are powerful, whilst their own strength is very small. Hence, they specially require the kindly vigilance and wise help of the societies and individuals who devote themselves to this useful work. In some large towns in Great Britain there are philanthropic committees and agents who regularly visit the Police Courts, in order to become acquainted with offenders, and to render them assistance, whether convicted or not. In some instances these good persons have formed themselves into "Police and Prison-gate Missions," and by their systematic and kindly care of discharged prisoners, have constituted some of the most effectual of "Aid Societies."

Objections Raised.

The various efforts so diligently put forth of late years in Great Britain, for the aid of discharged prisoners, have materially contributed to reduce the number of criminals. But, like most other forms of beneficence, this good work is sometimes—and indeed often—made a subject of censure by ignorant persons, who raise the objection that when all the needs of honest poor men are provided for, then it will be the proper time to help the rogues, but not before.

Now, in the first place, it may be noticed that the people who raise these objections are generally such as never bestir themselves to help others, whether honest men or offenders; and, secondly, discharged prisoners are a class who absolutely require aid, on grounds both of mercy to themselves and of the self-interest of the community. For if a criminal is not effectually rescued from his evil ways, and if he is not enabled to earn an honest livelihood, he will certainly return to his former courses. And few things are more costly to a nation than crime. Criminals, if unreformed, will soon involve the taxpayers in a disagreeable compulsory expenditure—often of hundreds of pounds—for each offender's detection, re-arrest, and punishment. Also the depredations and losses occasioned by a single thief, or burglar, are often enormous. And so many hundred thousand pounds are annually required for Prisons and Police, that the reformation of a prisoner, or the prevention of a crime, is one of the *cheapest* developments of social wisdom, and one of the most genuine operations of political *economy.*

And not the less is it a work of mercy. For a large proportion of criminals are more to be pitied than blamed, when all their antecedents of hereditary frailty, parental neglect, ignorance, poverty, and privation, are fairly weighed and examined. The Son of God declared that He "came not to call the righteous, but sinners, to repentance," and that

"there is joy in heaven over one sinner that repenteth, more than over ninety and nine just persons that need no repentance." His parables also, of the Lost Sheep, the Lost Piece of Silver, and the Prodigal Son, are fraught with permanent instruction to individuals and communities, in regard to this subject. A Continental penologist has even propounded the motto: "To know all, will lead to the pardon of all." (*"Tout connaître, c'est tout pardonner."*)

In proportion as, in the interests of the public, the plan is adopted of requiring that the antecedents of discharged habitual prisoners shall be made known to their employers, either by themselves or by some other persons, the difficulty of their procuring some kind of occupation may be thereby materially augmented. And hence the systematic carrying out of this practice involves, in common justice, an additional obligation, on the part of the authorities and of the benevolent, to make efforts to secure employment for such persons. Their lot is, at the best, a most arduous and discouraging one; and when their difficulties are further increased—though rightly so—by stripping off the protection of concealment from them, it is but fair to make them some compensation, by providing effectual assistance in other ways. Indeed, it becomes the bounden duty of Governments and communities to do so.

Temporary Homes for Discharged Prisoners.

In a few places it has been found useful to establish special temporary Homes for discharged prisoners, where they may obtain cheap lodgings, or a little work, whilst looking out for permanent occupation. But experiments in this direction require great care, and most of them appear to have resulted in failure. There have long existed two Refuges of this kind, at Wakefield, in Yorkshire, where a small number of men and women are per-

mitted to find employment, chiefly in mat-making, and laundry, and needlework, for a few weeks or months after their discharge from prison. The results have been tolerably satisfactory; but it is to be noted that only an average of about twenty or thirty persons, at a time, have been inmates of each of these homes, whilst the annual number discharged from the local jail has amounted to several hundreds. At LEWES, in Sussex, and at READING, similar but smaller Homes were instituted. The one at Lewes consisted of two cottages, a workroom, and a large garden, and was supplied with a few beds, some books, cooking utensils, and a stock of tools for carpentry, shoemaking, and gardening. The local prison Chaplain remarked of this little establishment, "Since the opening, many a man, destitute and ill-clad, on leaving prison, has earned for himself a decent suit of clothes and a few shillings to start with, and has expressed his rough gratitude for the assistance thus afforded him. Others about to emigrate, or proceeding to sea, have lodged there, awaiting, under friendly supervision, and removed from many temptations, the sailing of their ship, and being thereby tested as to their worthiness of this kind of provision."

Another Home, and one of the best of its kind, was instituted by the St. Giles Christian Mission, in London. Its chief use has been to provide lodgings, and a few meals, together with oversight and advice, for discharged prisoners, during that peculiarly difficult and perilous period, the first fortnight or month after leaving jail. And this is the principal use of such homes. But to furnish their inmates with permanent labour is undesirable; not only on account of the cost, but more especially because it is very objectionable to retain discharged prisoners together, even in small groups. They should, as soon as possible, be dispersed, and helped to scatter themselves over the industrial world. When supplied with work, even of a temporary

kind, in the homes, they are too apt to relax their endeavours to obtain other and more satisfactory employment. But the chief danger arises from their association. Hence, some of such temporary homes have proved failures. The great fundamental principle, of the separation of offenders from each other, is again applicable here. And it also applies to the reclamation of Fallen Women. The employment of a motherly person to deal with these, one by one, and help them to find occupation, separately, has various superior advantages over the best attempts to classify these females in Refuges and Penitentiaries. A Birmingham philanthropist who adopted this individualising method with fallen women, was rewarded with an unusual measure of success, in his Christian endeavours in this line.

Similarly, the most effectual plan for the disposal of discharged prisoners has consisted in their being at once dealt with individually; and in their being facilitated in starting on their own separate courses of self-support, and, as much as practicable, at a distance from their former associates in evil, but under some friendly supervision. In fact, the principal help, and the chief need of a discharged prisoner, consists not so much in pecuniary aid, as in finding a *friend* and a continuing sympathising adviser or referee, for him or her. Many magistrates, clergymen, and private persons, have rendered much kind assistance in this work, in many localities.

The Churches and Discharged Prisoners.

The Christian Church might advantageously furnish more help, in this direction, than has heretofore been the case. In England, the Established Church, the Roman Catholics, the Unitarians, and the Society of Friends, have been more exemplary in this matter than the other denominations. The early Wesleyans devoted considerable

attention to religious efforts amongst prisoners and criminals; but their successors, and most other Nonconformist bodies, have scarcely followed that good example, or at least, not in any noteworthy degree.* The Established Church appears hitherto to have taken the most prominent and honourable position, in this important branch of Christian charity, in this country.

Restorative Influences Outside the Prison.

It is after his discharge from prison, that an offender can be best enabled to practise those social duties, and to exercise that self-control, which are essential for a healthy, moral life. These cannot, in general, be effectually developed in prisons, either in the solitude of the cell, or amid the concentrated villainry and temptations of the convict gang. Some writers—including even such excellent men as Captain Maconochie, Dr. E. C. Wines, and some able Continental penologists—have argued that there may be created, inside jails, "a contagion of good, as well as a contagion of evil." But the "contagion of good," which may undoubtedly exist in a certain small degree, even in prison life, is over-balanced by the exceptional amount of evil, in a community in which the *ordinary* proportion of virtuous persons does not exist. The benevolent advocates of reformatory experiments, by the operation of association in jail, on the ground of its being more of a "natural system" than cellular separation, strangely forget that, in the really natural conditions of society, there is a large admixture of helpful and elevating influences, on the part of the better section—the many good members of the

* It is pleasant to record that, very recently, the revival of Wesleyan zeal, by such fervent and intelligent leaders as Hugh Price Hughes and Edward Smith, in London, and by Mr. Champness, in Lancashire, has led to some renewed Methodist attention to the criminal class.

community. But the prison gangs are *destitute of this proportion.* Hence they are *just as unnatural* as the solitary cell, and are very much more mischievous.

Of course, in a world where sin and temptation exist, every one, whether a prisoner or a freeman, must necessarily be subjected to certain moral dangers; but it does not therefore follow that these perils should be simultaneously concentrated, as is the case in prison wards. To excuse or defend association in prisons, on such a ground, is to imitate the lazy waiter at a restaurant, who, having handed a dirty plate to a visitor, and being remonstrated with for it, pleaded the excuse: "Well, sir, you know the proverb, that 'every man must eat a peck of dirt in his lifetime.'" The visitor smartly replied, "Yes, but not all at once, you filthy fellow; not all at once." In prison, the evil influences are gathered in and concentrated "all at once."

But after the discharge from jail, when the offender emerges into the naturally mixed good and evil association of free life, where there is, at any rate, a considerable preponderance of decency, humanity, and honesty, then the needful conditions are available for the development of a wholesome reformation; especially if there be simultaneously afforded the guiding counsel and helping hand of wisely benevolent members of Patronage or Aid Societies, or of sympathetic private individuals.

At this stage, the services of such bodies and of the Christian Church, are most timely and valuable. But they should combine firmness with kindness, and be so adjusted as to strengthen rather than enervate. They should encourage the repentant transgressor, but not with such unconditional or undue assistance, as reasonably to provoke the jealousy of the honest toiler, or to render the treatment of reclaimed criminals a source of envy and temptation to those around them.

It may be remembered that even the best Aid Socie-

ties do not deal with, or even reach, a considerable proportion of the persons discharged from prison. Some of the latter have friends who are well able to care for them. Others prefer to lean upon their own resources, or ability for self-help. And many, it is to be feared, are indifferent to any efforts to replace them in the paths of rectitude. These may be termed "the residuum"—those who will not work, and who prefer dishonesty and crime. The writer once asked the most successful of all helpers of English discharged prisoners, how he and his colleagues acted in reference to this latter class. The reply was: "We drop them, as we would a hot potato." This is certainly a very simple process, and one which relieves such helpers, of any further trouble in the matter. Yet, it may be added, that just in proportion as an Aid Society, or other similar organization, has to "drop" the subjects most in need of reforming influences, in so far it fails in its own functions. An active worker in this field of charity, the Rev. C. Goldney, Chaplain of Stafford jail, has well remarked: "It is not the business of a Prisoners' Aid Society to shrink from an attempt to do good, because it is difficult. If you deliberately refuse to help a man on this ground, it is as good as to tell him to go again and steal; which seems a sad thing to do."

Hitherto, to a considerable extent, Discharged Prisoners' Aid Societies have failed with this "residuum," the inveterate or habitual class of criminals. Such offenders must rather be dealt with by means of gradually, but certainly cumulative sentences, and by subsequent police supervision. It is, however, to be noted that this failure with such subjects, points to the special importance of all efforts to secure the reclamation of those delinquents who have only undergone a single imprisonment. For, in the first stage of crime, many such persons may be effectually reformed, who, if they are left unaided, will ultimately swell the ranks of the more intractable residuum.

Chapter X.

SENTENCES.

The Object to be Studied.

It is to be desired that, in regard to Sentences, there may be, in future, a more intelligent and practical consideration, than in the past, of the precise end sought to be accomplished by them. Mr. Barwick Baker, shortly before his decease, wrote to the author, on this point: "Who can say whether a sentence is too long or too short? Before we can decide, we must settle what is the *object* in sentencing; I say, *the diminution of crime is the object;* but no Judges, and few Chairmen of Quarter Sessions, agree with me in this. All hold that the true purpose is to give an amount of punishment equal to the guilt of the offender; and as there is no measure for the punishment, one man suffering three times as much as another, from the same infliction, or for the guilt, each is sure his own sentence is right, and we have '*Quot judices, tot sententiæ.*' No one can give, or does give, a test of what these should be."

There are few things in which so much careful adaptation of means to end is requisite, as in this matter. The time or duration of punishment is not the only element of importance to be considered. But it has usually received a too exclusive regard, irrespective of the varying demands and conditions of criminal discipline.

Independent Agents of Punishment.

There has been, for the most part, too little connection, or relation, between the functions of the authorities who prescribe the sentences and of those who carry them into execution. It may be remembered that it is always in the power of the latter to modify, very materially, the original intent of the former. An imprisonment of one year may be rendered, by one set of custodians, as really penal, as double or treble the same period under the care of another body of officers. It has sometimes happened that criminals, sent to certain prisons with the express intention of being there more leniently treated, have actually found themselves under a severer discipline than they would have experienced in the establishments to which a more rigorous purpose would have consigned them.

The almost necessarily hasty manner in which criminals are often disposed of, at their trials in court—at least in England, as distinguished from Scotland*—largely precludes an adequate regard to their real character and requirements. Apparently conclusive evidence, as to the commis-

* Scotland has long enjoyed some great advantages, as compared with English procedure against criminals, especially in two respects. Firstly, in the opportunity, afforded to juries, of returning verdicts of "*Not proven*," in cases where there is reason to hope for further evidence, and where it is desired to retain the power of re-arresting rogues, already put on trial, if occasion should arise. Secondly, the admirable arrangements both for officially initiating prosecutions and for eliciting much important information, in a simple, sensible manner, by means of the functionaries styled "*Procurators Fiscal*." The English law, by its excessive technicalities, affords thieves, burglars, and other offenders, numerous chances of eluding the grasp of justice. There are so many of these defects in legal definition and procedure, that the late Sir John Holker, when pleading, in Parliament, for a Codification of the Criminal Law, said, "We desire to make a *clean sweep of all this rubbish*." But this was still a desideratum in 1888.

sion of the crime with which a prisoner is charged, may wholly fail to reveal some very material circumstances affecting the action itself, and the motives and antecedents of the offender. There is reason to fear that, even in England, actually innocent persons are more often convicted than is generally supposed. It occasionally comes to light that long periods of penal servitude have been undergone by such wrongly-accused individuals. And when once consigned to a convict prison, it is a matter of the extremest difficulty for these to procure any effectual attention to their cases. They are almost "buried alive," so far as help is concerned. This is a grave evil, which awaits a remedy in some way.

Again, the disproportion between the apparatus for arriving at a verdict, and the comparative disregard to the operation of the consequent sentence, has often been very great.

An able writer in the *Cornhill Magazine*, in 1863, made some noteworthy remarks upon the sentences which often follow trials where immense pains have been taken, in regard to the elaboration of evidence. For the sentence is to the trial, what the bullet is to the powder. The writer alluded to, says: "A pack of hounds and a number of men, dogs, and horses, will spend hours in hunting a fox which, when caught, is abandoned to the dogs without an observation. So the criminal, when fairly run down, is sentenced by the judge, and turned over to another set of authorities, utterly unconnected with and unrelated to him, who act upon different principles, and constantly pull different ways. It is just like a doctor, who, after spending all the morning in finding out that his patient was consumptive, should politely show him the door, saying, as he did so, 'Go and spend £25 in drugs, at such a chemist's.' It is just as easy to say nine, as to say six, months; to say seven years' penal servitude, as to say five; and the question which of the two is to be said, has

to be settled in a very short time, often without consultation, advice, or guidance of any description. Yet the sentence is the gist of the proceeding. Unless it is what it ought to be, the counsel, the witnesses, the jury, and the summing-up, to say nothing of the sheriff, with his coach, javelin men, and trumpeters, are a mere *brutum fulmen*. They might as well have stayed at home, but for the credit of the thing."

Chance Sentences.

Sir E. F. Du Cane has shown by official statistics, that the graver sentences of long duration, upon English convicts, have been, to a very great extent, a matter of apparent chance, or at least that a sort of stereotyped conventional fashion has largely prevailed, with the Judges, in this matter. They have glided into a customary groove, marked by certain favourite periods, especially five, seven, ten, and fourteen years, whereas the circumstances of the crimes to which these sentences have been so easily and habitually attached, represent no such ratio. Just as, in the eighteenth century, almost every crime was punished by the gibbet, with the brutally uniform addition "without benefit of clergy," so, subsequently, with a painful disregard of the real proportion of facts, the English Judges have re-echoed their five, seven, and ten years' sentences, in a manner somewhat resembling the childish jingle of "ding dong bell; ding dong bell."

In proof of this, Sir E. F. Du Cane quoted official returns showing that, in a recent period, the average number of prisoners under sentences of five years, was 2,043; but of those for six years only 43. There was an average of 4,703 for seven years, and of only 366 for eight years; 1,898 for ten years, and none at all for eleven years. It is evident that, in point of fact, there can have been no real necessity for this preponderance of the five, seven, and ten years over the six, eight, and eleven. Why, for example,

should a sentence of seven years be at all more frequent than one of six or eight? Hence, great cruelty and injustice may often have been perpetrated upon unfortunate wretches, through this habit on the part of Judges, in yielding to the influence of an extensive idolatry of fanciful precedent, or even, unconsciously, to a mere numerical jingle.

In America a similarly unintelligent irregularity often characterises sentences. At the Toronto Prison Congress, in 1887, Mr. Z. R. Brockway, of Elmira, remarked that on one occasion, when he heard a judge sentence five felons to five very different terms of imprisonment, he inquired the reason of such a strange disparity of treatment under the circumstances. The judge was astonished at the question, felt very puzzled, and exclaimed, "Oh, ask me something easier. I don't know."

Several of the Judges have publicly acknowledged the injustice which has too often characterised sentences, and their tendency towards opposite extremes, of cruel severity or of injurious leniency. And latterly some of them have manifested a laudable disposition to exercise more discrimination in this regard.

Advantages of Conference and Reflection.

The existing inequalities of sentences might often be obviated by more systematic arrangements for a moderate interval between the verdict of a jury and the decision of the judge or magistrate. It occasionally happens, already, that such an authority remarks in Court, "I will take time to consider what the sentence shall be, in this case." The more regular adoption of this wise practice, thus affording opportunities for reflection and conference with other judges or magistrates, might, with much advantage, be resorted to. There are also needed, in England at least, various minor reforms in the conduct of trials, which

would facilitate just conclusions as to sentences. For example, the forms of Indictment are often far too complex, verbose, and obscure. And further, the person accused should be furnished with a copy of his indictment at least ten days or a fortnight before trial, as in Scotland. It is very unfair to a prisoner to withhold a copy of his indictment from him, as has often been done, until immediately previous to the trial. Such matters as these may materially affect both the defence and the sentences.

Restraint not Necessarily Detention.

Sentences, in general, should determine a definite time, or a gradation of periods, during which their subjects should be retained under the power and within the reach of the authorities, for either penal or reformatory purposes. But this should not necessarily, or even generally, involve the infliction of imprisonment throughout the entire term prescribed. It should secure *liability* to imprisonment; but the extent of the actual incarceration, and the nature and period of subsequent relaxed conditions of detention, or of strictly conditional liberation, should, within such period, be more largely left to the discretion of the officers charged with the custody of the offenders.

Sentences of Liability to Imprisonment.

Without any sweeping modification of the existing letter of the English law, and without materially interfering with the prerogatives of Judges on the one hand, or entrusting any dangerous punitory powers to the administrators of prisons, a much-needed reform may be generally secured, so far as the Statute Book is concerned, by changing, in each case, the expression

"imprisonment" into "liability to imprisonment," or by enacting that "imprisonment" shall henceforth be deemed to signify such liability.

This would simply render the sentences pronounced, the *maximum* inflictions of penal *control*, without unduly limiting the mode of treatment during that restraint. It would be carrying out more fully the precedent and principle already adopted, with much advantage, in English jurisprudence, in the case of the "Conditional Liberation" of convicts. The executive authorities in charge of criminals would thus be afforded the needful means of discrimination, justly demanded by the different circumstances of each prisoner and by his behaviour and progress during his preliminary training and subsequent conditional liberty under supervision. Several of the American States have modified their laws in this direction. The English "PROBATION OF FIRST OFFENDERS ACT," passed in 1887, constituted an important and decided recognition of this principle.

SPANISH AND OTHER EXPERIMENTS.

Long antecedently, either to the establishment of American "Indeterminate Sentence" Prisons, or of English "Conditional Liberation," the principle involved was partially adopted, and with success, at Valencia in Spain, and in Wurtemberg and Bavaria in Germany. Subsequently it found able advocates in Captain Maconochie, Sir Walter Crofton, Baron F. Von Holtzendorff, Mr. Frederick Hill, Mr. Z. R. Brockway, M. Bonneville de Marsangy, and other penologists, in various countries.

In the year 1835, COLONEL MONTESINOS, being appointed Governor of Valencia prison, then containing 1,250 inmates, put in operation an old provision (previously dormant or neglected) of the Spanish Law, by which a prisoner could be enabled to shorten his period of incar-

ceration, by good behaviour. The experiment was carried out during fifteen years, at the end of which the re-convictions had sunk from more than 50 per cent. to less than 10 per cent., whilst crime throughout that district had greatly diminished. The prison became a self-supporting establishment, through the variety and encouragement of industry there carried on, and the stimulus afforded to the workers, by giving them a considerable share of the profits.

A revised Criminal Code for all Spain was instituted by the Legislature, in which the exceptional clauses, which Montesinos had made such good use of, were omitted. No virtually indeterminate sentences were thenceforth allowed. This legal blunder at once struck the death-blow to a previously successful system. The elements of hope and reward were eliminated from it, and in consequence, of course, the plan collapsed. Despair, outrage, and increased criminality, again became characteristics of prison life in Valencia.

Age and Sex as Modifying Sentences.

A French magistrate, M. Eugene Mouton, has justly remarked, in his interesting work, entitled "Le Devoir de Punir" (Paris, 1887), that a systematic modification of sentences should be made, in regard to age and sex. He proposes that all legal penalties should be subject to a reduction of one-fourth of their amount, for women, and one-half for persons under sixteen, or over sixty years of age; also that these three classes should be exempted from every form of corporal punishment. With some exception as to the latter proposition, there is much to be said in favour of these suggestions, in consideration of various physical infirmities and temptations of the three divisions in question.

Certainty of Gradation: Elasticity of Adaptation.

In conclusion, it may be briefly and comprehensively observed, that the chief essential, in every system of sentences, is that they should be very gradually, but certainly cumulative, in their prescription of the maximum periods of legal control, whilst at the same time they should be very elastic in permitting the needful modifications of individual treatment throughout those periods.

Chapter XI.

FINES AND FORCED LABOUR, AS SUBSTITUTES FOR IMPRISONMENT.

Advantages of Equitable Fining.

As a substitute for imprisonment, in certain cases, the infliction of Fines possesses several advantages. It obliges the offending person to make compensation to the State, or injured party, entirely at his own expense, and not at that of the honest tax-payer. Nor does its operation preclude its subject from continuing his ordinary exertions for the maintenance of himself and family. The chief objection to this mode of punishment, as now inflicted, consists in its arbitrary nature, by reason of the penalty being a definite sum of money, to be imposed irrespectively of the pecuniary position of the offender. Hence the rich and poor are often inequitably dealt with in this matter, precisely because of the nominal equality of the imposition. A more just and efficient principle might be found in taking as a standard, for at any rate certain classes of fines, the amount of a man's income, as indicated by his salary, wages, or ordinary assessment for taxation and local rates. Thus, if instead of fining rich and poor alike, so many pounds or dollars, the punishment consisted of so many days' income, or so much percentage on the regular taxation, a principal objection which has hitherto applied to this form of penalty would, in great degree, be removed. There would be some difficulty, at first, in ascertaining, for

finable purposes, a man's income or taxation. But certain legal facilities and arrangements for registering at least the taxable status or assessment of the persons in each district, might perhaps be made fairly available.

It is desirable, under modern conditions of society, that a more general resort should be had to this mode of punishment, than to imprisonment. The British Legislature has already considerably extended its operation, by the "Summary Jurisdiction Act," of 1879.

The enforcement of Restitution, made under ordinary conditions of life, as sanctioned by Mosaic and Saxon laws, and by Apostolic precept, is, to some extent, contained in the principle of fines.

In NEW ZEALAND, the British Government systematically, and with much advantage, adopted this course, in the treatment of offenders amongst the Maori aborigines. It was specially inexpedient to imprison those warlike and freedom-loving people. In cases of theft, they were therefore required to pay, either to the injured party or to the local authorities, four times the value of the articles stolen; the same standard of restitution adopted by the publican Zacchæus, in the Gospel. In various instances, the chiefs of the tribes to which these thieves belonged, promptly paid all or part of the fines. And this had the useful effect of securing an increased exercise of tribal influence in favour of honesty.

FINES ARE SOME OF THE BEST "LABOUR SENTENCES."

Under a systematic scale of application, and for certain offenders, fines constitute the most practicable mode of carrying into effect the ideas underlying the schemes of "Labour Sentences" recommended by Dr. Paley, Archbishop Whately, Captain Maconochie, Mr. C. Pearson, and others; whilst the serious difficulties, inevitable with any attempt to enforce such sentences *during* imprisonment, are

thus obviated. The application of just measurement to labour tasks and piece-work, whilst in detention, is a matter of perplexity and sometimes of impossibility. Even in reference to the simpler forms of exertion, such as agricultural occupation, it is difficult to impose a uniform and fair standard of measurement. For instance, if a number of men are required to dig so many square yards of land per day, it will continually happen that some of them will have to deal with more tenacious, more stony, or otherwise more intractable ground than others. Also, as to such operations as cleaning, watching, serving, repairing, and so forth, the application of the principle of piece-work is impossible, except under conditions of mere arbitrary valuation. The same objections already apply, in some degree, to the apportionment of "good marks" for prison labour and conduct. This plan works tolerably well in some British and other prisons; yet it is, at the same time, a very imperfect one, and is attended by certain dangers and objectionable modes of operation.

The exaction of a portion of the money-earnings, under the competition and valuation of actual life, is a more generally available basis than imprisonment, for estimating both the punishable capacity of a man, and also his powers of restitution to an injured community, or to aggrieved individuals. Whether the offender be a ploughman, a mason, a shopkeeper, a servant, or a physician, the scale of his ordinary earnings, or assessment, may furnish a fair foundation for estimating an amount of punishment which shall be really penal, but free from the demoralisation of the concentrated felonry of prison life. There can be little if any doubt, that to this mode of penalty, in conjunction with a vigilant police supervision, a resort might much more generally be made than hitherto, with advantages moral and economical, deterrent and reformatory, not possessed, in nearly the same degree, by imprisonment.

In Harmony with Natural Conditions.

Punishment by fining has the important recommendation of being in harmony with nature. For the subject of it is retained under the conditions of family and social life, and under those salutary influences which are, for the most part, exerted by wives, mothers, and daughters, but which are precluded by incarceration.

The adoption of fines, on any extensive scale, should include arrangements for their payment, at any rate by the poor, in weekly or monthly instalments, extending over a considerable period, so as to allow the offender to work out his imposition at such a rate as may be reasonably practicable. The English "Summary Jurisdiction Act" contains some wise and humane provisions in regard to this point.

The Efficacy of Fines Enhanced by the Alternative of the Cell.

As a stimulus to continued exertion for the payment of fines, it is necessary to hold in reserve the alternative of a prompt infliction of rigorous cellular imprisonment. Much indeed of their efficacy depends upon their being regarded as a desirable *substitute* for confinement. And unless the latter be known to be a really disagreeable infliction, it will be chosen in preference, in many instances. Cases have often occurred, in England, where persons arrested for the non-payment of fines, or of small debts, have deliberately allowed themselves to be sent to jail, even when able to pay immediately. The reason was that they confidently reckoned upon the pleasant and jovial companionship with other debtors, to be enjoyed in the common wards usually allotted to this class of prisoners. A veteran Governor of a jail informed the writer that he had adopted an effectual scheme to disappoint such expectations. He imposed, as

far as possible, unpleasant conditions of restraint and strict separation. Consequently, in a day or two after entrance, the debtors were almost certain to exclaim, "I have had enough of this; I'll pay. Let me out." In instance after instance, the money was promptly paid in that prison, after a little profitable isolation and meditation.

But in other prisons, where less wise measures are adopted with this class of offenders, they willingly allow the authorities to substitute, instead of cash payment, an easy detention in the association wards, at the cost of the taxpayers. In one such case, a man who was brought to jail for the non-payment of a small sum, was found to have in his pockets five times the amount of the debt. But he loved his money more than he feared the lax restraints of association in confinement, without work. All such persons should simply have the alternative of paying their fines whilst in a state of liberty, or, as an equivalent, serving a duly limited term of rigid solitary imprisonment. It is indispensable that the latter must be salutarily penal.

Sentences of Compulsory Self-Maintenance.

In connection with this subject, it may be remembered that there is another practicable form of exaction somewhat akin to a fine, which consists in the imposition of a sentence of compulsory self-maintenance for some considerable period, under restrictions not altogether of the nature of imprisonment. It is a mode of treatment possessing peculiar merits for vagabonds, beggars and petty thieves, and it is for these classes that it has occasionally been adopted.

Nearly two hundred years ago, under more summary powers than are now possessed by the local magistracy, many of the idle rogues of Berkshire were compelled to maintain themselves by their labour in a factory at Reading, locally named "the Oracle," whence originated the popular

proverb of "working the oracle." A somewhat similar, but more regularly organised experiment, was carried on for many years at Munich, by that wonderful statesman and reformer, COUNT RUMFORD. Availing himself of the ample powers conferred upon him by the Bavarian Government, he ordered all mendicants to be put under arrest, and placed in establishments rather of the nature of factories than prisons, where they were provided with the means of performing some labour partially profitable to themselves and to the State. There they were detained for such time as was sufficient to form habits of industry, or at least to make some wholesome impressions upon them. Vagrancy was by this means generally repressed in Bavaria, for a long period. The success of Count Rumford's plan depended mainly upon the determination with which it was carried out, and the power of inflicting wholesome unpleasantness held in reserve. And it is also of importance to notice that he carefully sought to place his enforced factory labour upon a sound economical basis, of entire or approximate self-support.

Holland has for more than half a century adopted a system of compulsory self-exertion for certain classes of misdemeanants, especially obstinate idlers and mendicants. Many square miles of heath-land were appropriated to the formation of PAUPER AND BEGGAR "COLONIES," where both agricultural and handicraft labour were provided for the persons there located. The management of these settlements was for many years exclusively in the hands of a private Society, and the funds necessary to supplement the earnings of the labourers were provided by voluntary contributions. Much assistance was furnished to the better-disposed portion of the "colonists;" such as grants of food, tools, seeds and other means of livelihood. A number of them were thus permanently rescued from their previously helpless condition. But the considerable residuum of lazy and intractable subjects were always a

great difficulty in these establishments. Ultimately the stronger hand of the State had to be invoked, and whilst one portion of the "Colonies" has continued, as before, under private administration, the other was taken over by the Government, in order that the reserve powers of official authority might be imposed upon the more vicious and obstinate class deported to these heath-lands. Certain forms of continuous labour and restraint, which require partial confinement within walls, have rendered necessary the erection and maintenance of buildings adapted to those purposes, in addition to the agricultural establishments.

In proportion as the ever-essential element of some sort of penal discipline was relaxed, the beggars and rogues of the "Colonies" were not effectually held in check. And on the whole, too much laxity has characterised these settlements. In a report sent from Holland to the English Local Government Board, by an Inspector deputed to visit that country, he mentions the case of a sturdy vagabond, who for stealing wood, was sent to a beggar "colony." After a time he returned to his home, but appeared less inclined than ever to exert himself. He informed his burgomaster that he had been so happy under the "kind gentlemen" to whom he had been sent, that, but for the separation from his wife, he would never have come home again. The magistrate remarked, "I did not venture again to reward him in such a manner for stealing faggots." Another lazy fellow, strong and able to earn good wages, became so demoralised by too lax indulgence at one of the "colonies" where he had enjoyed "good times," that, after a brief stay at home, he packed up his household goods and started off to seek readmission to his old quarters. Whenever such results as these occur, it may safely be concluded that the mode of treatment adopted has had the radical defect of defeating its own object. In 1886 the Dutch Minister of Justice stated that out of 2,749 beggars and rogues recently sent to these nominally "penal" colonies

(at OMMERSCHANS and VEENHUIZEN) only 540 were undergoing their first committal thither. All the remainder were recommitted persons, including many who had been in these establishments seven or eight times, for one year or more. Hence it is obvious that the discipline and treatment have largely failed, by reason of undue laxity. Such will always be the result of any system of dealing with crime and pauperism, which tends to make them attractive, and which does not afford some effectual reason why they should be decidedly shrunk from, by the ill-disposed or the lazy.

Hence the importance of enforcing some deterrent "test" or semi-imprisonment, as a necessary condition of assistance to Vagrants and wilfully idle Paupers. This plan has been adopted in the English Casual Wards and "Union-houses." In proportion as this course, with its involved labour, has been insisted upon, pauperism has been wonderfully held in check. It has been especially valuable, as furnishing a means of discriminating between the idle and the helpless, in times of depressed trade or prolonged inclement weather, when multitudes of industrious persons have been thrown out of employment for a season. On such occasions, there are always to be found numbers of men who never have worked, and never intend to, but who thrust themselves amongst the genuine and deserving sufferers, and raise the common cry, "We have no work to do;" and, in an under-tone, "We want no work to do." The offer of hard labour, as the only condition of relief, acts as a magician's wand, in rapidly reducing the dimensions of such mingled crowds, from gigantic to dwarf-like proportions. When this test is firmly enforced, the hypocrites and idlers, who usually form the great majority of such bodies, speedily disappear, or indignantly refuse the work placed before them. In 1887 the writer, in visiting the special "Test House" for casual paupers at BIRMINGHAM, was informed by the manager, that on one

occasion during the previous winter a party of more than 100 men applied to the Mayor of that town for assistance. He gave them all tickets for labour at stone-breaking, or oakum-picking, in the "Test House." The result was that scarcely any out of the whole lot made use of those tickets. Their demand for employment was thus shown to be insincere.

In GERMANY, in the "ARBEITER COLONIEN," or Labour Colonies, which, it is to be observed, are not places of compulsory industry, it is nevertheless found expedient to adopt stringent rules and carefully devised methods for the discipline of the inmates. Continuous work is exacted as a condition of securing the advantages offered by these institutions. Idlers are rejected or handed over to the police. But to the really willing and industrious labourer or artizan these establishments afford valuable and timely assistance.

Chapter XII.

CORPORAL PUNISHMENT.

Diversity of Opinion.

Much has been argued for and against the use of Corporal Punishment, by the infliction of Flogging, or Whipping. The authority of Solomon, and of other ancient writers, has been invoked in favour of this means of correction, whilst many instances of failure and of increased perversity have been adduced in counter objection. And certainly the opponents of flogging appear to be so far justified in their position, whilst they object to a brutal or general infliction of this punishment; when, for example (as often occurred in military floggings), the flesh of the sufferer was so lacerated that the surface of the body became a mass of bleeding wounds. Such a spectacle is brutalising to all parties concerned. It is savage and wicked, and is calculated to quench any remaining spark of self-respect, or hope, in the person so punished. Further, it tends to produce cruel and criminal dispositions, in those who have to take part in its administration. Such an infliction is, in short, barbaric torture, rather than just chastisement.

The frequent and habitual resort to flogging, as a punishment, has been a failure, and has always proved incompetency on the part of the authorities. Its subjects have then become reckless and irreclaimable.

Two Missionaries of the Society of Friends, James Backhouse and George W. Walker, who visited the

Australian penal colonies in 1834, when flogging was in constant and abundant use by the authorities, recorded—"Most prisoners have a dread of flagellation till they have once suffered the punishment; after this the generality of them exhibit a decided deterioration of character." This statement agrees with the remark of the Author of "Six Years in the Convict Prisons of England," who says, "You will never find a man doing much good *after* being flogged. It may make him quiet under authority, but it ensures the very opposite when he is free." Mr. SHEPPARD, who was for thirty years Governor of Wakefield Prison, one of the largest in England, stated that during all that period it was not found necessary to flog any prisoner there. He added "It is never necessary, when other right means are tried." Even in Tasmania, where flogging had long been in frequent or rather constant use as a means of convict discipline, there came a period of excellent government, under Sir WILLIAM DENISON, of whom it is recorded by his wise counsellor and friend, Bishop Willson, that "for some years previous to his departure from the island not one convict had been subjected to the odious lash."

This question of flogging is one respecting which there is a peculiar diversity of opinion amongst practical men, of similar experience and humanity. And especially in regard to it, the old proverb may be quoted—"Who shall decide when doctors disagree?" Still, this difference of view will be found, on examination, to be not quite so perplexing as at first sight may appear to be the case; for there is flogging *and* flogging. And some persons who most decidedly object to the brutal form of its administration, where the flesh is mangled or the body disfigured, do not entertain an invincible repugnance to the comparatively mild and only occasional, or exceptional, infliction of such whipping as merely produces transient but stinging, pain on cruel offenders who are insensible to reasonable persuasion.

As to the utility of this description of punishment, in certain cases, there is an extensive concurrence of view amongst men whose acquaintance with the criminal classes is based upon long and close observation. Many prison officers are able to adduce instances where ferocious and otherwise intractable men have been subdued by a whipping; or even by the knowledge of its being available, as a reserve power to be certainly inflicted, if called for. It is reasonably argued by such experienced authorities, that they have found this castigation, when inflicted as a rare and exceptional resort, a peculiarly merciful penalty, as obviating a much greater, though less impressive, aggregate of punishment, by prolonged imprisonment, or special privations.

The Mercy of Moderate Corporal Punishment.

And indeed the chief defence of corporal punishment, of a moderate description, consists in its *mercifulness*, both direct and indirect, especially when inflicted upon the particular class of cruel and brutal men who are apt to despise other influences, and from whom it is necessary that their ordinary victims, weak women and tender children, shall be more effectually protected. For example, a wretch was recently brought before an English court, for having so habitually beaten his wife upon the face, that she had been disfigured with "black eyes," in consequence, twenty-seven times! Another flung his little child violently against the ceiling. Another, because his young brother, twelve years of age, refused to go out and beg for him, stripped the boy naked, lashed him to a chair for fifteen hours, and struck him with a strap and buckle thirty-four times. Another horrible ruffian committed outrages, on various occasions, upon twenty-two little girls, whom he had enticed into lonely places by offers of sweetmeats. Other men have kicked their wives and children with their hobnailed boots until they have broken their bones, or

have disfigured them for life; others have assaulted inoffensive persons with crow-bars and knives, or gouged out their eyes; others have scattered death and misery amongst peaceable citizens, by means of dynamite or similar explosives.

In 1887, the London "Society for the Prevention of Cruelty to Children" reported several hundred cases of gross forms of cruelty to children which had, during the past year alone, come under its cognisance. These included such atrocities as torturing a blind girl with a red-hot poker; beating the deaf and dumb for their want of intelligence; immersing a dying boy in a tub of cold water for nearly an hour, "to get this dying done"; breaking a girl's arm with a broomstick, then setting her to scrub the floor with her broken arm folded to her breast, and whipping her for being so long about it; hanging a naked boy, with tied hands, from a hook in the ceiling, and then flogging him; and scores of similar cruelties.

These are the sort of outrages, and their number is legion, constantly committed by a class of wretches who are at once the most cruel and the most cowardly of the community; creatures compared with whom the ordinary thief is a paragon of virtue.

Such despicable miscreants are more effectually cowed, and more promptly held in check, by smart corporal punishment than by other modes of restraint. It is absurd to talk about "degrading" them by this infliction. They have already degraded themselves to the uttermost. Any process of treatment which either checks their crimes, or brings them to some sense of wholesome fear or shame, is at once an elevation and a mercy. Even floggings of the old sort, are inflictions which *they*, at least, would have no right to deem unjust. But, for other considerations, that description of punishment is not to be advocated. To these inhuman foes of their own kind, the administration of a moderate but stinging castigation with

rods or a whip, on the bare back, for a reasonable number of times, at intervals, according to the enormity of the offence, is a much more dreaded, and therefore a more effectual, punishment, than months or years of mere imprisonment, with the encouraging association of other wretches, and under comparatively comfortable conditions of food, lodging, and indulgence, and all at the cost of honest tax-payers.

It must be remembered, too, that many of this particular class have already done despite to a vast amount of kindness and patient forbearance, on the part of too-loving relatives, as mothers and wives. They have become deaf to remonstrance, and hardened to ordinary persuasives. Professor HENRY ROGERS remarked many years ago, in the *Edinburgh Review*, in reference to such persons: "Too many of them have deliberately advanced along their career of crime, in one perpetual outrage on all the best and holiest impulses of humanity; in contempt of that passionate domestic love which outlives the worth of its object, and the dictates of reason itself; in spite of infinite sacrifices and never-wearied forgiveness; in spite of the spectacle of comprehensive and all unutterable misery, caused by their perseverance in evil. To suppose that such natures as these are to be subdued by leniency, is to hope that rocks will melt in the sun."

It is for such a class of criminals, those characterised by the most hateful of all crimes, *cruelty*, that corporal punishment is here advocated.

ANCIENT WISDOM.

Our forefathers were not so bereft of wisdom, in regard to their treatment of such offenders, as it has become of late years the fashion to represent. They often proved, by experience, the efficacy of the very brief, very sharp, and very cheap infliction of a whipping, in such cases as have been mentioned. They believed the old

Book was not in the wrong when it prescribed "a rod for the fool's back," at any rate for the *cruel* class of fools.

For some trivial transgressors, our ancestors used the "STOCKS." And here, again, it is fairly open to question whether the cause of mercy has been served, by substituting the prison for that short and simple mode of warning. Is it not a harsher thing to inflict the life-long stigma of "gaol-bird" for certain petty offences, together with the involved withdrawal from family support for weeks or months, rather than to place such persons upon the "stool of repentance," with legs in the "stocks" for an hour or two, amid the not always or altogether unsympathising, if somewhat rough, criticisms of their neighbours; and then to have wholly done with the affair, so far as the interference of authority is concerned?

Public opinion is apt to vibrate from one extreme to the opposite, and from one folly to another. Hence, as soon as men began to perceive the brutality of such inflictions as the rack, the knout, the thumb-screw, or the pillory, they rushed to an opposite mode of dealing with offenders, and, under the delusion that all corporal punishment was wrong, proceeded to substitute prolonged, costly, demoralising, and hardening imprisonments, which ultimately were in most cases *more* cruel, to spirit, mind, body, and estate, than, at any rate, the more moderate modes of short and sharp castigation, which had previously been in vogue.

Many imprisonments have permanently ruined men, and thereby cruelly punished their innocent families also; when, by the simpler and common-sense method of our forefathers, much of this mischief might have been immediately nipped in the bud, at the cost of a few pence in money and a few hours in time.

Prevention better than Castigation.

Yet it is to be especially observed that the wisdom of our ancestors would have been attended by better results, if they had also directed more intelligent attention to the prevention of offences. They relied too exclusively upon their rough and ready, though often shrewd, means of repression. The most important of all preventive means, Temperance, was very greatly overlooked by them. A gross and general practical disregard of the mischiefs of alcoholic indulgence, as the chief of all causes of cruelty and brutality, prevailed amongst them. Even now, the public conscience is but very insufficiently awakened to this material point. For it is unquestionable that, in most countries, the worst sufferings inflicted upon women, children, and dumb animals, are perpetrated under the influence of intoxicating drink; for this is the peculiar provocative of both cruelty and lust. There are comparatively very few murders, outrages, or brutalities, committed amongst professedly Christian nations, by abstainers from alcohol. Most crimes must be and are attributable to Intemperance. And herein, most emphatically, the old maxim must ever hold true, that "Prevention is better than cure." Corporal punishment has a certain amount of efficacy, for the restraint of brutalities; yet for many of this particular class of offences, it is seldom or never used. But the suppression or prevention of intemperance is incalculably more efficacious in this direction.

The Treadwheel, Plank-Bed, Etc.

It is mainly as one of the several superior substitutes for imprisonment, that corporal punishment for a certain class of offenders is to be justified. But some modifications of it have also been combined with incarceration, in various

countries, and especially in England, where the treadwheel, the crank, the shot-drill (the latter now abolished) and the plank-bed, have been introduced as features of jail-life. Here again, much diversity of opinion, amongst persons of similar experience and authority, has resulted, in regard to the merits or demerits of these supplementary penalties.

If imprisonment, in the strict sense of the word, was limited, as most of it ought to be, to the single or successive infliction of comparatively brief, but thoroughly penal terms of cellular confinement, there would be no need or justification for such adjuncts. But whilst the almost universal alleviations of modern prison life, necessitated by unduly prolonged detention, and by associated labour, are retained, there will be a constant danger that such conditions of existence will become a positive attraction to lazy and reckless offenders, or will at least fail to hold out a repellent or deterrent aspect to the criminal and the ruffian, unless some decidedly disagreeable elements are added.

Even in presence of these inflictions, there have been numerous cases in which persons have deliberately committed offences, in order to qualify themselves for the advantages held out by the dietary, the warmth, the clothing, the quiet, and other comforts of prison life. Often, also, has some violent or lazy loafer exclaimed to a magistrate: "Send me to jail, rather than to the workhouse." And it is obvious that such instances would be incomparably more frequent, but for some measure of repulsiveness, such as the tread-wheel and the plank-bed.

Yet each of these is open to some objection, on the ground of inequality of treatment. The habitual prisoner, or sturdy rogue, suffers far less from them than the more delicate or less accustomed offender. As to the plank-bed, it is not so unreasonable for the criminal, in view of the circumstance that thousands of honest workmen, in every community, and also many soldiers and sailors in their

country's service, have often to rest, at night, on boards, or on the ground.

It may, however, be reasonably argued that such additions to imprisonment should not be *simultaneously* combined, as is often the case at present, with a very low diet and hard labour. Neither should they be enforced upon persons convicted for the first time, for minor offences. Cellular discipline is sufficient for such. In England there are several humane exemptions from these inflictions provided for, as in favour of the youngest and oldest prisoners; women also are rightly excused from such adjuncts to imprisonment.

The retention of the above, or similar penal features, is now almost confined to the English jails, in which, also, more of the cellular system prevails than in most other countries. In America, both these features are generally absent from prisons; as also is the case in the Continental nations, with partial exceptions. (In some American prisons, however, cruelties are occasionally inflicted; such as hanging up prisoners by their wrists for many hours or days, as counteractive to the disorder produced by the association of criminals.) It is not altogether unsuggestive to remember that whilst, in the United States, crimes, especially of the more serious descriptions, have, of recent years, been increasing at a rapid and alarming rate, and much in advance of the growth of the population, various classes of offences in England have been diminishing. The moderately penal adjuncts of detention, in conjunction with increased separation, have obviously tended to empty, or even to close, many British jails. And this is a final result of a practically merciful nature to all parties concerned.

Chapter XIII.

CONDITIONAL LIBERTY AND PROBATION SYSTEMS, IN LIEU OF IMPRISONMENT.

Juvenile and other Exemptions from Imprisonment.

The evils inseparable from every system of imprisonment, either for younger or older offenders, have obtained such practical attention in Massachusetts, in particular, that its Legislature has, during recent years, enacted provisions for an extensive substitution of "Probation," or conditional liberty, instead of incarceration. This principle was first adopted there, with children and young persons, and being found successful with them, it was extended to adults with satisfactory results. The importance of the subject renders appropriate a brief notice of these experiences.

From 1846 to 1866, Massachusetts had established a series of Reformatories or Industrial Schools, instead of prisons, for criminal and neglected children. These institutions proved to be useful. But, good as they were, they also involved (as in Great Britain and elsewhere) some danger of collateral disadvantage, such as, for example, a risk of relieving vicious parents of their natural obligations, and of pauperising them and their children, at the expense of the honest tax-payer; and, further, of training young persons, in large masses, in ignorance of many of the lessons to be imparted only by family life.

Hence, in 1869 and 1870, the Legislature, with a view to

more preventive effort, committed the general care of juvenile offenders to a special "STATE AGENCY," whose mode of operation is as follows. Every complaint against a boy or girl, under the age of seventeen, must, before being brought into any Court, be laid in writing before a State Agent, or one of his assistants, for investigation. When the case comes into Court (and portions of the time in Courts are exclusively devoted to such juvenile cases) the Agent, or Sub-Agent, attends personally to act for the State, as watcher, counsel, advocate, or prosecutor, according as the circumstances require. If the complaint is a first charge against the accused, and for a light offence, nothing follows but a simple admonition, or the passing of a suspended sentence; a small fine for costs, being, however enforced, if practicable, on the parents of the child, where the latter is not an orphan.

If there appears to be a prospect that the child will need some further restraint or influence than its existing caretakers seem likely to exercise, the Agent requests (and usually obtains from the Court) a sentence of "Probation" for a given time, he undertaking (for the State) to bring up the young offender again, if needful, and meanwhile to watch over him or her, and devise measures for his or her benefit. Such sentence of Probation formally places the child under the oversight of the State Agent; but he or she may still continue at home. The term is renewed when needful.

In cases where there is reason to apprehend an utter absence of suitable home care or restraint, for the child complained of, the Agent is authorised by the Court to take it away, for the State, and to put it entirely at the disposal of the Massachusetts "Board of Health, Lunacy and Charity." This body usually places its younger wards in private families, on the BOARDING-OUT SYSTEM, under due official conditions, and with regular supervision. This plan is almost always tried, before having recourse to a Refor-

matory School. But the latter is used where boarding-out appears insufficient in disciplinary influence. Finally, where the subject of this care proves intractable, then, as a last means of control, a prison is resorted to. But comparatively few children are consigned to jail, in Massachusetts.

Only about one-fifth of the wards of the State are sent into other homes than their own, or into institutions of any kind; and only one-ninth to the State School and Reformatories. It may here be noted, however, that these institutions are unduly expensive in their management. Thus the official reports of Massachusetts, for 1888, show that the juvenile inmates of two of the Reformatory Schools, at Westborough and Lancaster, cost 250 dollars, or about £50 each, per annum. This is worse than in Old England. Nearly one-third of all the children *convicted* in the State, are put on probation. About one in twenty is committed, by formal surrender, to the "State Board of Health, Lunacy and Charity." This Board, as already mentioned, chiefly disposes of the children by placing them out, in carefully selected homes, under the regular supervision of a few paid, and numerous unpaid, but officially appointed, visitors. These recently included, for the oversight of girls in particular, about a hundred Ladies, each acting under the authority of a warrant from the Chairman of the Board. Their services are most valuable. The volunteer visitors, in subordination to the paid State Agency, find suitable homes for the children (and there are many such available) and then, by their oversight, increase the efficiency of the influence of these homes.

Both the moral and economical results of this system are advantageous. The number of children in the Reformatory Schools has greatly diminished. The *chief* part of this economy, by prevention and reformation, results from keeping the children *out* of the "institutions" of all kinds, and securing their better oversight, either in their own homes

or in adopted ones. A State Report says: "Almost all juvenile offenders are to be found without homes, or healthful home influences. Rarely does one come from a good family."

The Principle Applicable Elsewhere.

The principle of the Massachusetts mode of dealing with juvenile offenders, and with their parents, may be adopted in other countries, without involving the use of precisely the same means. Thus, instead of appointing a series of additional officers throughout any district, as State Juvenile Agents, the services of existing functionaries may be effectually utilised. One Magistrate in each locality might be requested, by the Government, to devote his sole attention to juvenile offenders. And in each place, this Magistrate should have one or more policemen, or one or more volunteer helpers, placed under his orders, with the object of watching over the cases of any criminal or neglected children in the locality, specially requiring authoritative influence. The chief purpose would be, in the first place, to give the parents or relatives of the said children such oversight or guidance, as might enable them to discharge their responsibilities aright, and to avoid the necessity for further compulsion. But, persuasion failing, fines or other forcible influences would have to be used. If these proved insufficient, the Magistrate should be empowered to have recourse, at his discretion, and according to the circumstances of each child, to Boarding out, or Emigration, or a Reformatory, or, as a last resort only, to Imprisonment. But, as in Massachusetts, it should be the *first* aim to promote the *voluntary* efficiency of the parents; the second, to prefer selected and supervised Family training (by Boarding out, or Emigration), to the costly and congregate life of large Institutions; and the third, to use such Institutions in preference to the Prison, so far as requisite. The "Pro-

bation of First Offenders Act," 1887, may facilitate the adoption, in England, of a similar course, at least in a certain degree.

Massachusetts Adult "Probation."

There are two descriptions of conditional liberty, or probation, applicable alike to juveniles or adults; and both of which are had recourse to, in Massachusetts, for each of the two classes. There is, firstly, Conditional Liberation, *after* undergoing a sentence of detention in a prison or reformatory. This is no novelty, having long ago been adopted in Bavaria, Great Britain, and elsewhere. And secondly, there is Conditional Liberty, not necessarily accompanied by any detention at all. It is to be remembered that the *principle* of conditional liberty (as distinguished from conditional liberation) had long been practically recognised in England under the forms of Bail, or personal Recognisances; and in the "binding over" of certain quarrelsome or offensive persons to "keep the peace" towards their fellow-subjects, for a given period, as an alternative to imprisonment.

The law of Massachusetts, in 1880, instituted as a special class, "Probation Officers" for Adults, to be appointed by the respective Municipalities. It was then enacted, in regard to each of such functionaries, as follows: "He shall, in the execution of his official duties, have the powers of Police officers, and may be a member of the police force of his city or town." "Such Probation Officer shall carefully inquire into the character and offence of every person arrested for crime, for the purpose of ascertaining whether the accused may reasonably be expected to reform without punishment; and shall keep a full record of the result of his investigation. The Officer, if then satisfied that the best interests of the public and of the accused would be subserved by placing him upon Probation, shall recommend

the same to the Court trying the case; and the Court may permit the accused to be placed upon Probation, upon such terms as it may deem best, having regard to his reformation."

"When the Probation Officer considers it advisable for any person placed on probation to be sent out of the State, the local authorities may make the necessary appropriation for the purpose, to be expended by him, under the direction of the superintendent of police."

"The Probation Officer shall, as far as practicable, visit the offenders placed on probation by the Court at his suggestion, and render such assistance and encouragement as will tend to prevent their again offending. Any person placed upon probation, upon his recommendation, may be re-arrested by him, upon approval of the superintendent of police, without further warrant, and again brought before the Court; and the Court may thereupon proceed to sentence, or may make any other lawful disposition of the case. It shall be the special duty of every Probation Officer to inform the Court, as far as possible, whether a person on trial has previously been convicted of any crime."

The above are the principal clauses of the Massachusetts Law of 1880, permitting the experiment of Adult Probation, and which at once went into operation. It may be observed that it is *permissive* in its nature, and entrusts large powers of discrimination and decision, both to the Courts and to the Probation and Police Officers. Such must necessarily be the case, from the very nature of probation.

The Secretary of the Massachusetts Commissioners of Prisons informs the writer that "The success of the (adult) probation work is unquestionable." He adds "It is the 'ticket-of-leave system' simplified to suit the circumstances. Most of those here released, on such probation, are drunkards, or night-walkers (prostitutes); and the results have been gratifying."

The Report of one district, South Boston, for 1888, shows that, out of 244 persons liberated on probation during the past year, 137 had been arrested for drunkenness, 25 for assaults, 18 for simple larceny, 13 for disturbing the peace. Some of the cases indicate curious survivals of old Puritan rigour; as, for "playing ball on the Lord's day," and being "present at a game of cards on the Lord's day."

In the same district, during that year, nearly 2,000 interviews took place between the officers and those under their charge. The number of teetotal pledges administered to the latter was 230. Hence nearly all of the 244 took the pledge. Doubtless many of these engagements were merely nominal, or ephemeral; but a very useful effect resulted to others. The Agent reported: "About 95 per cent. of persons under my care, during the past year, have done well, and have been discharged from Court, after being under my charge from term to term." Thirteen had to be surrendered to the Court for sentence, being found incorrigible.

The same year's Report, for another Boston district, (Roxbury) returned 329 cases as disposed of during the twelvemonth; of whom 165 were for drunkenness, 58 for larceny, and 12 were described as "stubborn children." No teetotal pledges are reported amongst these. Forty-six of the cases "did not improve, and were surrendered."

In a third district, Suffolk County, out of 809 cases disposed of during 1887, 31 were surrendered for sentence, and 12 more "ran away to escape surrender and sentence;" 306 took the pledge. Employment was found for 44. Above £10,000 was furnished in bail, and more than £200 paid in Court fees, on final discharge from probation.

In a previous Report, Mr. EDWARD H. SAVAGE, the Agent for the Suffolk County (Boston) district, remarks: "Intemperance is one of the obstacles to reformation that the probation officer has to meet. In fact it is the greatest incentive to crime." He admits that whilst some of the

pledges taken by the "probated" persons are regarded as "a passing joke;" others are followed "often with the most salutary result." He adds that almost all the cases where the probation failed, and where the persons had to surrender for sentence to imprisonment, were in consequence of breaking the pledge, and so becoming incorrigible; but "where they have been enabled to keep their pledges, they have done well, in the way of reformation." In the case of young prostitutes placed on probation, 53 in Suffolk County, were sent to their friends or homes in the country, in 1887. Of these, 6 returned to Boston, and were sentenced.

These Boston agents display far more wisdom in their estimate of the assistance furnished to human frailty by the Total Abstinence pledge, than is evinced in the official Report, for 1888, of the much-eulogised "model" prison of ELMIRA, N.Y. At page 48, under the head of "Practical Ethics," the convicts in that institution are thus exhorted: "Let us not confuse the virtue and strength of Temperance, with the *vicious weakness* of Total Abstinence!" In view of the extreme moral weakness of the criminal class especially, it is a matter for astonishment and deep regret, that such a statement should have been thus authoritatively put forth, as a part of the specially "reformatory" teaching of the prisoners of New York State, including thieves, burglars, ravishers, and murderers. And in the same Report, it is recorded that out of all the convicts received at Elmira, 57 per cent. appeared to possess "absolutely no moral sense;" and another 25 per cent. had "possibly some;" whilst 38 per cent. were found to have "clearly traced drunken ancestry." Yet such a class, of all men, are gravely taught that Teetotalism is "*a vicious weakness*"!!

Mr. Savage reports that one of the best practical consequences of the Massachusetts Probation System, is the stimulus which it affords to the relatives of the offend-

ing parties, to seek employment for them, and to exercise some effectual influence and vigilance on their behalf. He remarks: "The best success has been secured by making it a condition with their friends that employment be provided for the persons probated, before they are bailed and set at liberty." The fees paid on liberation are stated to be nearly sufficient to cover the expenses incurred in carrying out the system.

In one of the Reports, an Agent relates an incident which is not without instruction. He, one day, received a sharp lecture from a wealthy and influential Bostonian, who was indignant with what he regarded as the undue laxity of the State towards offenders on probation. He said: "I would have every one of them punished, to the extremity of the law." But some time afterwards, this gentleman came to the officer, in great grief, to implore aid on behalf of his son, a youth of eighteen, who had got into trouble by embezzling money from his employers. On investigation, it was found that the lad's previous character had been good, and that he had fallen under great temptation. The Agent reported favourably to the Court respecting him, and he was placed on one year's probation, to obviate the disgrace of imprisonment. He afterwards returned to his former employers, who eventually took him into partnership. His father, meeting the Agent subsequently in the street, grasped his hand, and exclaimed with emotion, "My son is safe; I was wrong." The same Agent remarks: "I have learned to believe that none are so good that they may not err; and none so bad that they cannot reform."

Women and Probation.

The class of "unfortunate girls," or prostitutes, often derive effectual benefit from the "probation" system, by reason of the opportunities which it affords for inducing them to return to their friends, or to enter some suitable

shelter. The Massachusetts Laws are nominally severe against certain forms of unchastity, in both sexes alike; but there, as all over the world, the women generally have to bear the brunt, both of the shame and the punishment. The men usually secure impunity. A Probation Report for 1884, mentions a girl, with whom six different men, in one evening, had been observed to go off, for an immoral purpose. But it adds, "Six to one. Who ever saw one of such men in the prisoners' dock, as an accomplice? Who ever saw one of this class of men on the witness-stand, in his own defence?"

For female criminals, in prison, the Massachusetts Laws permit a special form of probation, or conditional liberation. The State Board of Commissioners are authorised to bind out in domestic or other service, for the concluding unexpired portion of their terms of imprisonment, such women as they consider suitable to be thus liberated, on condition of good behaviour. Failing this condition, the licences are revoked, and all the original sentence is carried into effect. Such remissions usually amount to about one-third of the full terms of sentence. The great majority of these women are reported to behave well, and to furnish no occasion for re-imposition of penalty. But it is noticed that longer powers of sentence and of subsequent control, are still needed for the female criminals, as a class.

The Old British "Ticket-of-Leave" Imposture.

It is important to observe that, although one of the Massachusetts Agents compares probation to a "ticket-of-leave" plan, yet neither that, nor the present English system of Conditional Liberation, under supervision, is at all identical with the original mischievous "ticket-of-leave" practice, as adopted for British convicts, under Sir Joshua Jebb. That officer discharged his prisoners by wholesale, with the *form* of "Tickets," but *without* the all-

important elements of adequate supervision and inquiry. The men were simply released with wild recklessness. The results were just what might be expected, and occasioned an outburst of robbery, burglary, violence, and other crimes, until the very name of "Ticket-of-Leave" became deservedly offensive to the public. Unfortunately, too, the memory of that blunder has ever since constituted a chief obstacle to the progress of any system of "conditional liberation" or "probation" on each side of the Atlantic. But both Massachusetts and Great Britain have since been able to remove some of this popular misapprehension, by more cautious experiments.

The Howard Association and "Probation."

The Committee of the Howard Association in London, in 1881, issued a paper, drawing British attention to the advantages of the Massachusetts Probation system, especially for Juvenile Offenders. As the plan was then almost unknown in Great Britain, the Home Secretary had that document reprinted in a Parliamentary Paper. Subsequently, Mr. Sturge, of Birmingham, drew attention to it, in his evidence before the Royal Commission on Reformatories; and still later, Mr. Howard Vincent, M.P., expounded the system in an interesting manner at a meeting of the Social Science Congress. Subsequently, he introduced a Bill into the House of Commons with the object of securing the legislative sanction of an English "probation" system for misdemeanants, somewhat similar to the Massachusetts mode. This measure passed in 1887, and is therefore now a part of the English Statute Law. It is entitled "The Probation of First Offenders' Act."

A Belgian Experiment of Conditional Liberty.

There may be just mentioned, in connection with this subject, a curious experiment, which is stated to have been

recently introduced, at least locally, in Belgium, with reference to drunkards. In a certain district, when a man is found drunk, he is taken home by a policeman. The next day the same functionary waits upon the offender with a broom, and gives him the option of two hours' public sweeping the streets, or of severer penal measures. This course is reported to have proved very efficacious, in so far as it has been resorted to.*

The London "City Custom of Apprentices."

The New England "Probation System" was not, however, altogether a novelty. It had, in part, been exemplified in the Capital of the Mother Country, for centuries previously, in a form established by the wisdom of our forefathers, and known as "The City Custom of Apprentices." By this "Custom," which still has the force and sanction of Law, the semi-private Court of the Chamberlain of London, at the Guildhall, exercises a controlling power over all apprentices in "the City" properly so-called. This tribunal affords a prompt, cheap, and excellent mode of dealing with their delinquencies, except such as may be of a graver nature; and it is much valued by the citizens. A master, having a ground of complaint against an apprentice, can obtain, for the nominal fee of one shilling, a summons for him to appear before the Chamberlain, who quietly and impartially investigates the case, and gives such advice or warning to the parties concerned, whether apprentice or master, as often suffices to prevent further trouble. But where the misbehaviour, or obstinacy, of the youth, appears to call for something more stringent, he is sent, for about

* Remitted First Sentences.—In 1888 Belgium, mainly through the influence of M. Lejeune, Minister of Justice, adopted a Law, authorizing Judges to leave in abeyance the infliction of imprisonment, in all cases of *first* conviction for *misdemeanours* ("delits") as distinguished from grave crime.

a fortnight, to a private "Bridewell," belonging to the Municipality, specially appropriated to the detention of these young persons.

Several days of quiet reflection usually suffice to accomplish the desired end, and, on the apprentice expressing regret, or apology, for the past, and promising amendment for the future, he is, in most cases, liberated by the Chamberlain without further infliction. This mode of treatment involves no public trial, is not reported in the newspapers, is not attended by demoralising contact with criminals, and is, in short, a valuable form of "probation" and a substitute for ordinary imprisonment.

It also affords a means of indirectly helping the apprentices, when needful, by bringing the influence of a duly constituted authority to bear upon such masters as may require counsel, or reprimand, in regard to their treatment of those under their care; for in many cases of complaint against the youths, the real cause of difficulty is the employer's neglect of his own duty. And although the City Chamberlain cannot place the masters in detention, he can often exercise an effectual personal influence upon them, by his representations and persuasions.

It is a privilege which the City Apprentices (about 3,000 in number in 1888) and their Masters, feel to be one of the special advantages belonging to the time-honoured Corporation of London. When, in 1882, the Parliamentary and other adversaries of the City's privileges, threatened to abolish this ancient "Custom," an influentially signed Memorial was presented to the Home Secretary by the Citizens, praying that they and their apprentices might not be deprived of this wholesome and merciful inheritance from the past.

There is also an important lesson which the "City Custom" tends to convey, and this is the practicability of dealing with many juvenile delinquents effectually, in a very short time, even in a very few days or a week or two,

by adopting wise and kind measures for inducing reflection and good resolutions; and also by interposing, on their behalf, with those persons who should be their guides and protectors. It is in the latter respect, perhaps, that the Massachusetts plan needs some strengthening; for even it is not sufficiently stringent, in certain respects, so far as the parents of youth are concerned. And any extension of it to other countries may, with advantage, be accompanied by a more prominent enforcement of the responsibilities of parents and relatives. Whenever children or youths have to be brought under legal supervision, their natural caretakers should also be involved in the process as long as needful. They should be either persuaded, or compelled, to a better performance, in future, of those duties which they have neglected in the past. This point requires more practical attention than it has hitherto obtained, either generally in America, or in Great Britain.

It is further to be observed that the experiences of the "City Custom of Apprentices," and of Massachusetts "Probation," alike furnish good ground for believing that the *long and costly* detention of juvenile offenders, in Reformatories and Industrial Schools, might, at least in many instances, be safely dispensed with, through the adoption of some form of probation or supervision, useful alike to the young people themselves and to their parents or friends, and in no wise so expensive as the Institutional plan of disposal.

Probation by British Legislation.

Of recent years, the public mind in England has been awakening, in some degree at least, to the advantages of inflicting other modes of punishment than imprisonment. This impression has already led to the enactment of two important Acts of Parliament, namely, the "Summary Jurisdiction Act" of 1879, and "the Probation

of First Offenders Act," 1887. The former of these, although more indirect in its action than the latter, essentially embodies the principle of Probation, or Conditional Liberty, instead of imprisonment, in numerous instances. For this measure not only increased the powers of magistrates, already existing under the Juvenile Offenders Act of 1847, to dismiss young persons, on admonition, and without imprisonment, in certain cases, but also permitted the substitution of Fines instead of detention, for various offences under the Acts relating to poaching, vagrancy, public health, and even some felony. The previous scale of sentences for several crimes, was also reduced by this Act. And it obviated many imprisonments of poor persons, by authorising the fines to be paid gradually, by instalments. In these and certain other respects, the Summary Jurisdiction Act was a very valuable measure of penal reform.

The "Probation of First Offenders Act," 1887, effected further progress in a similar direction. Its chief provisions are as follows:—

"In any case in which a person is convicted of larceny, or false pretences, or any other offence punishable with not more than two years' imprisonment, before any Court, and no previous conviction is proved against him, if it appears to the Court before whom he is so convicted, that, regard being had to the youth, character, and antecedents of the offender, to the trivial nature of the offence, and to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the Court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a recognizance, with or without sureties, and during such period as the Court may direct, to appear and receive judgment when called upon, and in the meantime to keep the peace and be of good behaviour.

"The Court may, if it thinks fit, direct that the offender shall pay the costs of the prosecution, or some portion of the same, within such period and by such instalments as may be directed by the Court."

These two Acts, together with the collateral measures for the committal of delinquent and neglected youth to Reformatories and Industrial Schools, have already materially contributed toward that diminution both of prisoners and of jails, in Great Britain, which is a gratifying feature of the age. Especially satisfactory is the approximate abandonment of the imprisonment of children, in this country, of late years. In proportion as the jail has been less used than at a former period, it has been proved that other ways of disposing of offenders, at once less costly and less degrading, have been found practically advantageous. May this lesson be profitably pondered. And may it lead to further advances in the adoption of more economic, more reformatory, and more effectually preventive modes of dealing also with adult transgressors against the laws, than by an excessive resort, as in the past, to either the solitary cell, or the corrupting convict gang.

Chapter XIV.

CRIMINAL STATISTICS.

Statistics of Crime and Prisons.

As respects the statistics of Crime and Prisons, it may be observed that the measure of imperfection, which is more or less inherent to all matters pertaining to humanity, is apt to be somewhat specially characteristic of this class of figures.

Many years ago, a friend of the writer, Mr. Joseph John Fox, F.S.S., of Stoke Newington, read before a meeting of the British Association, a paper on the *necessity of uniformity of basis for statistical calculations.* This principle is one of great importance; but it is very apt to be disregarded. This neglect involves much practical difficulty in various directions.

Thus, in reference to Crime, it is to be noticed that the legal definitions, and therefore the statistical tabulations of "Murder," "Burglary," "Forgery," &c., not only vary considerably in different countries at any one period, but have also undergone consecutive changes in each particular nation. Hence, for example, if a statistician makes a collection of the English official returns, in regard to the number of burglaries, or forgeries, committed during successive decades, in this country only, it will be found, on careful examination, that owing to the progress of legislation during the later periods, certain new forms of these

crimes have become included under the categories in question; or, otherwise, certain old forms have been excluded from them.

Or if it is attempted to compare the statistics even of Murder, in different countries, it will be found difficult, if not impossible, to ascertain how far the respective figures include, or exclude, cases of manslaughter and general homicide, as distinguished from deliberately "wilful" or premeditated "murder." The legislation of the principal States of Europe and America differs so considerably, in regard to such points, that, at the best, only approximate accuracy can be secured in any calculations or inferences, based even upon the official penal statistics of these countries, as compared with one another, or as generally summarised.

Further, the departmental organisations for the collection and determination of statistics, in the respective nations, vary so much, in reference to their efficiency, as to import additional elements of imperfection and perplexity into the matter. Nor is there much reason to conclude that under the existing circumstances of States, a satisfactory avoidance of these difficulties is likely to be arrived at, at any early period. Hence the whole question of International Statistics, especially in regard to penal matters, must be regarded as essentially defective, and of merely elementary development, from the point of view of mathematical accuracy.

And yet, essential as is this numerical accuracy, it only forms one portion of the materials requisite for arriving at a uniform basis of statistics. An elaborate machinery for the collection of figures and enumerations may be performing its duty, with a fair degree of completeness, within its own province, and all the while, it may be conveying a very erroneous final impression as to the real condition of affairs, for want of collateral and qualifying information on other connected matters.

For example, the statistical returns of various districts of the British Metropolis indicated, to a certain student, a special mortality in several parishes. So far as the figures were concerned, this indication was perfectly correct. Nevertheless the impression, at first naturally received, was altogether and most properly modified by the subsequent discovery that these apparently very unhealthy districts contained large hospitals, or infirmaries, where patients, in dangerous stages of illness and injury, were collected from the surrounding parts, and the deaths of many of whom gave an exceptional character to the local mortality in question. Again, there was a very healthy place in Cornwall, in which, during a certain year, only four deaths were recorded. One of these was by public execution. It would, therefore, be perfectly correct, so far as mere mathematical accuracy is concerned, to remark that twenty-five per cent. of the deaths, there, in one year, took place at the hands of the hangman. But, at the same time, such a statement would tend to convey an impression unjust to the people of that virtuous and orderly locality, in which the criminal then executed was probably so exceptional, as such, that it is doubtful if any other individual, from there, had been hanged for half a century or more.

The above are extreme illustrations of the possible dangers of reliance, upon mathematically accurate statistics. But some such danger often, if not indeed always, exists in this department; and it is intensified by the prevalent deficiency, even of the single element of numerical accuracy of registration.

In consequence of these almost unavoidable features of statistical defect throughout the world, more or less, it is needful that Penologists, everywhere, should not attach too much importance to mere numerical returns. For it may be fairly concluded that, in view of the actual circumstances of the collection and condition of International

Criminal Returns, their general value is much over-estimated in many quarters. Some Penologists, it is true, are hoping great things from a further development of this class of Statistics. But there seems to be very little real ground for an expectation of early or considerable benefit arising in this direction.

It would have been advantageous for some nations, as for example France, if portions of the large sums of money and of the great amount of time, long devoted to the collection of minute numerical details, in reference to prisons, police, and arrests, had been appropriated rather to the study and exposition of a few simple principles, to be practically regarded in the treatment and prevention of crime.

Prison officials, even in Great Britain, have often made complaints of the excessive and undue demand, on the part of their own Government, for numerical returns of all manner of insignificant items. This may involve a mischievous abstraction of time and attention from far more important matters. Prison Surgeons, for example, have repeatedly had to devote many hours to the filling up of departmental schedules with petty particulars of personal duty and observation, to the great detriment of their patients, who have suffered from the loss of time, and from the wearying distractions thus imposed upon their medical caretakers. And it is specially to be noted that such minute requirement, of the registration of details, is perfectly compatible with the grossest waste, both of time and money; and in fact it may constantly facilitate the misappropriation of both. This is notably the case in certain great departments of some Governments, and, in particular, in their Military and Naval administration, where pence and farthings are accounted for, with marvellous minuteness of detail, whilst, at the same time, Parliaments and Cabinets may be bamboozled or hoodwinked, and the taxpayers cheated and robbed, to the extent of many million pounds sterling.

Penal departments do not afford scope for such wholesale malversation; but they suffer grievously, in their minor measure, by the frequent waste of official time and attention, on a worse than useless excess of statistical requirements. The author has heard such remarks as the following, from prison Governors: "What an amount of time our clerks have been occupied in making up figures on petty details, for successive Departmental or Parliamentary Returns, many of which have, after all, never been applied to any practical use; so that the trouble and cost were just thrown away!"

Government Departments are apt to manifest undue favour to such excessive statistical registration, for two reasons; firstly, because it gives easy routine work to many officials; and, secondly, because it affords a great show of attention to duty, and at the same time often furnishes a convenient excuse for indefinitely postponing more laborious, but more essential, performances for the public welfare.

A very serious defect in the criminal and other official statistics, even of some of the chief nations, is that they are not seldom characterised by culpable omissions. Where there is not the positive *suggestio falsi*, there is sometimes to be found, and not always in a small measure, the *suppressio veri*. In some ostentatious volumes of Departmental Returns, the careful Penologist may look in vain for important information which he ought to find there, but which is studiously withheld; whilst at the same time, a tedious minuteness, in comparatively trivial matters, is thrust upon the reader, to the extent of many pages of figures. The class of numerical statements, sometimes known as "cooked accounts," is not such a rarity as it ought to be, in Returns issued officially to Parliaments and the public. And where, when, or how, may we hope for a generally effectual remedy for this?

In reference to the question of Criminal Statistics, the

highest officials are themselves liable to be misled and then unconsciously to mislead the community. This tendency has perhaps been exemplified, of late years, in connection with some popular estimates of the diminution of crimes and offences in Great Britain. On the one hand, it is obvious that the number of prisoners, and also that of several serious crimes, has markedly fallen off. But on the other hand, it may be observed that the totality of offences committed has been largely in excess of the number of offenders imprisoned.

A nobleman who has had a long and active participation in the oversight of prisons and reformatories, and in efforts for the assistance of discharged prisoners, the EARL OF LICHFIELD, made some observations on this point at Stafford in 1885. He said—"Having carefully investigated the subject, I am not prepared to accept the statements I see so frequently made, by persons in authority, as to the decrease of crime in the country generally. My own investigations into this matter have led me to a very different conclusion, and that is, that instead of crime being on the decrease, it is on the increase." He then quoted, from the Reports of the Prison Commissioners, some statements showing that there had been a remarkable diminution in the daily average of prisoners in England and Wales. This was, so far, quite true. But the Earl continued—"Admitting, as I do, that the figures in the Reports are correct, yet the result shown is to be accounted for, solely and entirely, by the very short sentences which are now passed, and by the additional fact, that somewhere *about a third of the whole number convicted are not sent to prison at all.* I find, taking the whole number of convictions in the year 1861, and comparing it with 1883, that in 1861 there were 165,000 persons *fined* for offences against the law, and in 1883 there were 431,000 so fined." Again the Earl quoted the Prison Reports, as recording, in particular, a diminution in the number of female prisoners.

This also was correct. But he added—"The total convictions of females in England and Wales, in 1849, were 25,846, and in 1883 they were 47,862. There has been a large increase in every description of offences which represent dishonesty; and I think I should be able to show, if time permitted, that in many of the serious offences there is considerable increase."

Lord Lichfield went on to refer to the great decrease in the number of young persons under sixteen sent to prison since 1856. He remarked—"Since 1879 there is no record, in our judicial returns, of the number of such juvenile prisoners who are convicted." And further, "If you take the number of persons who are now fined or whipped, instead of being sent to prison at all, you will find that the number of juveniles sent to prison does not in any way represent the juvenile crime of the country. Take, for instance, this fact alone; look at the number that, instead of being sent to prison, are now sent to Industrial Schools. Yet these numbers do not appear in the Prison Returns; just as all those who are fined and whipped do not appear. The total number of persons, of all ages, fined for larceny, in the last year, was no less than ten thousand."

In regard to certain serious crimes, such as Murder and Suicide, the Earl was statistically justified in his conclusions. For whereas, in 1870, there were fifteen persons sentenced to death in England and Wales, and six executed, there were, in 1886, thirty-five sentenced to death, and nineteen executed. In 1870 there were 1,517 suicides, and 2,222 in 1886. It must, however, be thankfully admitted that some other grave crimes have materially diminished, of late years, in the United Kingdom.

In further partial confirmation of Lord Lichfield's general statement, it is shown, in the official Report of H.M. Inspector of Reformatory and Industrial Schools, issued 1887, that the number of boys and girls sent to Reformatories in Great Britain has risen from 3,276 in

1859, to 6,272 in 1886; and that the number in certified Industrial Schools has shown the enormous increase from 480 in 1861, to 20,668 in 1886. The same report states that the number of adult offenders, over sixteen years of age, in England and Wales, committed for trial, together with those convicted summarily, has risen from 103,343, in 1861, to 165,952, in 1886; whilst in Scotland the similar committals of adults rose from 17,366, in 1881, to 44,647 in 1886 (a very heavy increase it may be observed); but the committals of Scotch juveniles fell from 1,212, in 1861, to 936, in 1886.

In 1886 another intelligent observer—CANON GREGORY, of London—published a paper containing a series of facts and statistics pointing to the same conclusions arrived at by Lord Lichfield. The Canon summarised his investigations by remarking, "It is clear from what has been said that there has been no decrease in the number of crimes committed, or of smaller offences, during the past fourteen years; though there has been a remarkable diminution in the number of criminals captured by the police, and possibly a great addition to the stringency with which lesser offenders have been brought to justice."

The above statements by the Earl and the Canon, afford interesting illustrations of the equivocal character, or ambiguous adaptability, of official statistics, whether at home or abroad. For these views are in marked contradiction to assertions of a very different and optimistic character, as to English crime, constantly and confidently repeated by other influential men, and popularly accepted by intelligent authorities and the community at large. Yet there is much to be adduced in support of each contending opinion. Many minor offences have undoubtedly increased in England of late years. Some serious crimes have unquestionably decreased. And imprisonment has, with advantage, been often obviated, by the use of other means of dealing with delinquents.

In 1887 another curious proof was given of the ambiguity of ordinary official statistics, as guides to penological conclusions. Two of the chiefs of prison departments in Germany, each of whom enjoyed special facilities for a thorough acquaintance with all the statistical resources of the Empire, engaged in a spirited controversy in regard to the question of the increase of crime in their own country. One of the two gentlemen argued that crimes had, of late years, very rapidly and generally increased. The other as decidedly controverted and opposed this conclusion. But both confidently referred to the testimony furnished by their own national statistics.

There has recently come under the writer's cognizance, a copy of the valuable and comprehensive work, by Professor F. von Holtzendorff and Dr. E. von Jagemann, entitled "Handbuch des Gefängnisswesens" (Hamburg, J. F. Richter, 1888). It is interesting to find that in the section devoted to Statistics, contributed by Dr. E. Mischler, of Vienna, some of the conclusions expressed above, on this topic, had also been arrived at by that observer, who remarks (at page 66, vol. i.): "It may even be said that in consequence of differences of legislation, the difficulties of an international comparison of statistics are, to a certain extent, insuperable." This opinion will probably be endorsed by most other students of this subject, in proportion as they take a comprehensive survey of its various aspects and of the manifold ways in which even official statistics may be prepared, presented, and interpreted.

The collection and instructive publication of such figures, in so far as they are attainable, specially demand a combination of independent reliability with thorough intelligence of the subject. The same qualifications are indeed essential for all who issue Government Reports. Hence the peculiar value which usually appertains to the investigations and recommendations of ROYAL COMMISSIONS and PARLIA-

MENTARY COMMITTEES, as distinguished from the documents issued by the Permanent Heads of Departments, who are personally interested in the diffusion of statements favourable to their own administration or to that of their subordinates.

And, perhaps, in no class of Reports, whether statistical or otherwise, is independent research more necessary than in reference to Prisons. When LORD CROSS was Home Secretary, he sanctioned the appointment of a Royal Commission on the Penal Servitude Acts, whose procedure and Report were equally characterised by this feature. It included men of such integrity and impartiality as LORD KNUTSFORD, Mr. JOHN G. TALBOT, M.P., and Mr. SAMUEL WHITBREAD, M.P. These gentlemen personally visited the most distant convict prisons of the kingdom, and also took the evidence of some of the prisoners themselves.

A still more complete and thorough investigation, of the same nature, was that undertaken, by order of the Government of QUEENSLAND, on the motion of the Legislature of that colony, in 1887. The Governor in Council appointed, as Commissioners for this work, Mr. WILLIAM KINNAIRD ROSE, barrister, and Mr. W. E. P. OKEDEN, Immigration Agent; and most admirably did they accomplish their task. They not only visited the prisons and police-cells of that large Colony, and examined, as witnesses, magistrates, officers and others, but they afforded every prisoner an opportunity of complaint. Hundreds of convicts and prisoners were actually examined by them, and thei revidence published. This was a very exemplary procedure. For although, as a rule, it is too frequent for prisoners to tell falsehoods, yet where a large number of them, in different prisons, are separately examined, there is sure to be elicited much which furnishes matter for reliable inference. The Queensland Report is a model of its kind, and probably unsurpassed, as such, by any ever issued

in the mother country, or elsewhere. Its authors illustrated, in their mode of investigation and of final arrangement of collected information, the characteristic features which should mark similar issues, whether of statistical returns, or other descriptions of official reports.

Chapter XV.

THE POLICE:

Especially in Relation to Pawnbrokers, Publicans, Prostitutes and the Prevention of Crime.

The Police More Influential than Prison Authorities.

Not only has there been manifested, in most nations, a too prevalent tendency to over-estimate the general efficacy of imprisonment, but also and especially, a disposition to form an exaggerated idea of its influence, in comparison with that of the Police. The latter have been too exclusively regarded as mere instruments of arrest and of detection; or as a body of men whose chief function consists in being the outside servants of the prison authorities.

In reality, the position and powers of a wisely organised police force are much more efficacious and comprehensive in their operation than those of the other class. The officers of prisons have, for their special duty, the infliction of punishment, and, to a certain minor extent, the application of reformatory efforts, in regard to those persons placed under their charge. But such constitute only a very small proportion of the community. Whereas the police are more or less brought into contact with the great body of the population; and if rightly directed and trained, they have unlimited opportunities, both for the exercise of preventive influences in regard to crime, and for the promotion of various modes of social improvement.

Yet in most countries, hitherto, the splendid possibilities and powers of a beneficently organised Police, have been largely ignored, or very inadequately regarded. For example, throughout the greater portion of the European Continent, the governing authorities appear to have had little idea of making their police anything but a mere agency for the purposes of political or criminal espionage and arrest. The detection, rather than the prevention, of offences, has been too exclusively constituted the function of these officers. But this is a grave mistake.

For in proportion as such a one-sided course is adopted, it becomes the interest of the police to abstain from influences and exertions which might, by destroying or obviating criminality, at the same time deprive themselves of the opportunities of earning reward and promotion. The motive and principle resemble those of the cunning rat-catcher, when paid in proportion to the number of animals which he secures in his snares, and who therefore, takes, also, effectual measures that the supply of such creatures shall never fail, or be reduced in such a degree as to put an end to his own occupation. But when his services are utilised in a more intelligent manner, by his employers, and when he is remunerated in proportion to the success of his endeavours in keeping places altogether and permanently clear of the vermin, it is observable that he manifests resources of skilful efficiency, which appeared to be beyond his power, so long as he was paid only for the capture, rather than for the continuous absence of the rats, as tested by the discontinuance of their depredations.

Absence of Crime, a Chief Test of Police Efficiency.

Similarly, a decisive test of the success of the Police system of any country, is the general comparative amount of its crime. This is not to be chiefly measured by the

number of criminals arrested, but by the known and felt absence of violence, theft, and vice. Certain countries, or districts, could be named, where there is a notorious prevalence of serious crimes, whose perpetrators remain, in many instances, undiscovered and unpunished. This indicates a double inefficiency of the local authorities. They are, in such places, comparatively impotent, both for prevention and for detection. Whereas the characteristic of able police administration, is skill in *both* directions. But the prevention requires much *more* ability than the detection. And hence it is found, as a matter of fact, that the Police who are best trained in preventive efficiency are also the most skilful in detective ingenuity.

Comparative Failure of the Parisian Police System.

For instance, in London, there is more attention directed by the police authorities than by those of Paris, to the development of preventive skill amongst their men, and, in consequence, the same intelligence qualifies them for a similar superiority as detectives. In both cities there are many grave crimes, including murders, committed, whose perpetrators escape arrest. But this failure appears, in general, to characterise the French much more than the English police administration. The London and other bodies of police in Great Britain have, however, much scope for further improvement in this direction. In 1888 several murderers and burglars in England either escaped detection altogether, or were at least able for a considerable interval to elude apprehension. Thus the man charged with killing a warder inside Manchester Jail defied, for three weeks, all the efforts of all the police to recapture him. And it may here be noted that on the average less than half of the indictable offences committed annually in England are followed by the arrest of

the perpetrators. For example, in 1886, there were reported (in the "Judicial Statistics" for England and Wales) 44,925 indictable offences, resulting in only 19,285 apprehensions and 10,686 convictions.

There is no other place in the world where more strenuous and sustained efforts have been made, than in Paris, to elaborate a perfect system of merely *detective* organization. The utmost finesse and secrecy have been studied; the most cunning agents, educated and uneducated, have been selected; the constant use of the most ingenious disguises has been encouraged and secured; summary powers of arrest, and liberal pecuniary resources, have been placed in the hands of these officials. So that the Parisian police system has been ostentatiously held up, in some quarters, as a piece of executive machinery worthy of the admiration of the world. But, with all this marvellous elaboration, it has resembled a beautiful piece of clockwork, lacking in its *chief* function, that of keeping time. For, on examining the Paris police by the decisive test of their efficiency, it is obvious that no superiority whatever is manifest over the police of most other countries; but, on the contrary, there is not nearly an equality with the quiet vigour and repressive vigilance of the custodians of public order in some other places, as, for example, in London, and perhaps in Berlin. The murders, robberies, and other evils of Paris, which take place without detection, or punishment, are notorious throughout Europe. Hence the Parisian police have not been successful, so far as the principal tests and objects of such a body are concerned. The criminality of their city is swarming over, even into the Southern Hemisphere.

The English policeman is generally credited with less acumen than his Parisian brother, and is often made the subject of good-humoured satire, on the boards of theatres or in the prints of the comic press; but, on the whole, he fairly bears the test of comparative, practical efficiency. The inhabitants of London and other British

cities enjoy a much greater security from violence, both by night and by day, than their French neighbours. The intrinsic failure of the Parisian police force, in particular, has of late years been graphically exposed and conclusively proved, by several of its own chief administrators.

Distinctively Military Police are the Less Intelligent.

The comparative efficiency and popularity of the British police are in a great degree to be attributed to the progress already made, in efforts on the part of their chief officers, to develop amongst their men the faculty of individual thoughtfulness and general practical aptitude. They are encouraged to use their own wits, and to think for themselves. This they are the better qualified for, inasmuch as they have not, for the most part, been subjected to previous military training. It must, however, be acknowledged that much more of this intelligence is still to be desired, even on the part of the Metropolitan police.

One of the chief and most successful of British Police Authorities has remarked to the writer,—"*Soldiers, in general, make the worst police*, precisely because they have usually been trained *not to think for themselves*, but simply to obey commands implicitly. If you order an old soldier to perambulate a certain street, he will just 'cover the ground,' and do nothing more. He simply goes where he is told to go, and sees what he is told to look at, but is apt to direct his attention to nothing beside, and to allow all else to elude his observation; because he has always been taught to do nothing but *to obey orders in a mere mechanical spirit*." The same officer added, "If one of my men asks me to give him precise directions for the detection of a certain crime, I know that he is not adequately skilful. I expect him *to think out and to devise, for himself*, the best means of detec-

tion, in accordance with the special circumstances of each particular case. But unless he has been trained, or accustomed, to think for himself, he is incompetent for such mental exertion." And *hence* it is that mere military police, in Paris and in many other Continental cities, fail in the highest functions of a first-class organisation. Their antecedents, as a body, have not only not qualified them for the lively, independent exercise of their own intellects, in the double work of detection and prevention, but have positively unfitted them for such important services. In other words, the very foundation of military efficiency is one of the chief sources of incompetency, as respects the highest of police functions. This important truth is, however, greatly disregarded by many authorities, both in reference to the police and to prison officials.

The American Police.

In the United States, the civilian, as distinguished from the military element, prevails largely amongst the police. Nevertheless, the American police are by no means equal in efficiency to the British; but for other reasons than in the case of the French. In certain cities of the United States, a considerable amount of successful repression is secured, but in others—including some of the largest towns—the police obtain their appointments chiefly through their political friends; and they often appear to devote their energies to the party interests of their particular wards and districts, rather than to the public protection. Further, the frequent changes of Government, and of all, or nearly all, official appointments, in the United States, exercise a very mischievous influence upon the police, as upon every other description of local and national control. New York city has, however, set a good example by securing a longer and more certain tenure of office for its police, and has also permitted more power of organisa-

tion and discipline to the chiefs of the force. Under several able leaders, these have, of late years, achieved a high reputation for efficiency. But some of them are open to the reproach of not unfrequent brutality, in the too free use of their clubs or batons.

For various reasons, many of the United States police are less amenable to discipline, more accessible to bribery, and possess fewer motives for a faithful discharge of their duties, than the similar class in Great Britain. Hence, they cannot be depended upon, for certain services of their profession, which are ably fulfilled by the police in some other lands. For example, they are amongst the least successful as detectives, with some exception as to New York and perhaps a few other places. This is proved by the necessity which has arisen, in various American cities, for the establishment of *private* detective agencies, conducted on the basis of pecuniary expectation, and, in fact, forming a distinct business. If an American has suffered some important depredation, he is apt to have recourse to one of these private agencies, in preference to the official police, for help to discover the perpetrator, and bring him to justice. But for such assistance, he must pay liberally, in addition to his tax for the regular police.

And it is for such reasons, that the Americans themselves admit that they cannot carry out, in their country, that effective measure of the Conditional Liberation of Habitual Offenders, under regular supervision, which so largely depends, for its success, upon a well-organised and thoroughly disciplined police administration, characterised at once by humane consideration and repressive vigilance.

Efficiency of the British Police.

It is no undue boast, on the part of Englishmen, to assert that, notwithstanding some decided defects, the police of their own country are amongst the most efficient in the

world, and are indeed probably unequalled. One reason for this high position is that the central and municipal authorities in Great Britain have, at any rate of late years, chosen for their chief Directors, or Commissioners of Police, gentlemen of high qualifications, and have not permitted the elements of political partizanship to usurp a prominent influence in this selection, in comparison, at least, with the extent to which such inducements have operated in regard to some other appointments. It is true that these able chiefs have, in general, had a military training; but then this has been of a very different nature from that of the comparatively uneducated private soldiers. The former have been men of much intellectual development, through collegiate or university advantages, and have thus been accustomed to think and act for themselves. Some of the foremost amongst them have been, and are, men of piety and morality. They have been in sympathy with the people, and have insisted upon their subordinates cultivating this spirit. The British police, as a body, are therefore popular. And herein consists much of their power. An experienced Director of the Police said to the writer—"We are 'in touch' with the people. Otherwise we could not get on at all; or, at any rate, we could not maintain order with anything like our present numbers."

This remark does not apply so much to the police of IRELAND, where they are more distinctly military. And it is precisely because the Irish police are such, that they are at once less efficient for detection and prevention, and also less respected by the population, than is the case in Great Britain.

MORAL FUNCTIONS OF THE BRITISH POLICE.

The attainment of success, in the eminently important service of preventing or diminishing crime, imperatively demands the cultivation of moral qualities and human

sympathies, in addition to detective intelligence. And in this department, also, many of the British Police are exemplary. They have approximated the honourable standard, described by the late Mr. Barwick Baker, in the following words:—"The Police should be not a separate body antagonistic to the people, but more citizens than police; respected and valued by their fellow-subjects, and specially fitted to keep a friendly watch on liberated prisoners."

Many of the English Police, both in the superior and subordinate ranks, are to be numbered amongst the practical philanthropists of the nation. They are kind to the children and dumb animals, and courteously helpful to the citizens, in the streets. And they may fairly be credited with some share in securing that marked diminution of serious crime which has taken place in Great Britain of late years. It is to be particularly noted that this decrease has been contemporaneous with a special development of more intelligent and humanely directed Police activity, in the supervision and assistance of conditionally liberated convicts, and in other definite endeavours of a preventive tendency.

Police Efficiency Limited by Lax Legislation as to Alcohol and Receivers of Stolen Goods.

Much more might be effected by this useful class of men, both at home and abroad, if their powers were not unduly limited by the excessive facilities for drunkenness and for general vice and crime, afforded by certain laws and customs, the evil influences of which are doubly pestiferous to a country. These not only tend to demoralize the populace, but they become special means of temptation to the police themselves. For it must always be remembered that the latter are necessarily exposed, in the discharge of their functions, to peculiar and strong temptations. When exhausted or thirsty, by day or by night,

the liquor-seller, the brothel-keeper, and the harlot, can often ply them with inducements to neglect their duties, or to acquiescence in illegal acts, sometimes too powerful to be resisted. To diminish these dangers, further legal, municipal and popular control over the establishments for the sale of intoxicating liquors is imperatively needed.

There is also a form of evil, in Great Britain especially, to which legislation and public attention have not been adequately directed, and in regard to which the interests of the community demand that more power should be given to the police, or at least to the Superintendents, and more intelligent officers amongst them. This is a most fertile root of crime, and consists in the insufficient control over the RECEIVERS OF STOLEN GOODS and similar "CRIME CAPITALISTS." It has been repeatedly observed that if there were no receivers or dealers in stolen property, there would be very few thieves. There are, amongst the pawnbrokers, many respectable persons who afford considerable assistance to the police in the detection of crime, but there is also amongst them, a minority of a very different character. And the business of even the best class of pawnbrokers, for want of more stringent regulations, may render them unconscious instruments of facilitating crime. There has also arisen, of late years, a body of men who advertise for large or small consignments of goods from distant places, for which prompt payment is promised and no questions are to be asked. This mode of doing business places great temptations in the way of dishonest servants, workmen, and others. It also aids the operations of "THE LONG FIRM," a name given to individuals or groups, who, whilst pretending to be legitimate merchants, are in reality base thieves, often on a wholesale scale, inasmuch as they obtain, by regular order, goods for which they have no intention whatever of paying, but which, through the help of other dis-

honest traders and receivers, they promptly turn into cash, at a very cheap rate, and at a good profit (having incurred no expense for the same), and then disappear, or become bankrupt, or in various ways manage to elude the grasp of the law. Very extensive injury is thus inflicted upon the public, and cruel wrong done to many respectable dealers. But hitherto, when any attempt has been made, in England at least, to impose an effectual check upon such dishonesty, some of the offenders, or their agents, have been able to mystify the public, and frustrate the needful legislative changes. They have pointed to the danger of increased police power, and have pleaded that only a minor portion of their business is connected with fraud. And, like the young woman who excused her having an illegitimate baby, because it was "so small," so by raising a somewhat similar plea, some of this class have succeeded in averting that vigorous repression of their operations which is essential. There can be no doubt but that a vast amount of property is annually stolen with impunity, in every country; and somehow it finds purchasers. Individual thieves are often apprehended, but it is a *rare* event to see one of the wholesale receivers convicted. Yet these are *incomparably more dangerous*, more intelligent, and more culpable, than the open thieves and robbers. In regard to this, as to other public evils, the sources and roots of the mischief should be mainly dealt with. But, with some exceptions, this has not yet been the case.

It ought not to be an insuperable difficulty, in England, to secure measures for destroying the confidence between thieves and the cunning receivers of their plunder, the men who have their secret melting furnaces in readiness to promptly convert stolen gold, silver, and jewellery into a condition beyond the power of identification by its legitimate claimants. It has been suggested that special inducements, through a reduction of sentence or of punishment, should be held out to thieves to furnish such information

(often only known to themselves) as might tend to bring to justice the chief agents and abettors of crime, these more wicked dealers in plunder. The Police are at present continually obliged, through defect of the law in this direction, to refrain from arresting persons whom they have good reason to consider the most dangerous and effective sources both of local and distant crime. It was stated by Mr. M. D. HILL, that for one such person punished, five thousand have escaped.

SUPERVISION OF PAWNBROKERS AND RECEIVERS OF STOLEN GOODS.

Various means of supervising the operation of pawnbrokers, in particular, have been suggested by experienced observers, as, for instance, by Mr. EDWIN HILL, of London, Mr. FARNDALE, a police superintendent of Birmingham, and others. It has been proposed that the chief officers of Police, in the various localities, or a special body selected by them, should have increased powers of entry and search on the premises of all pawnbrokers, and suspected receivers of stolen goods; and that they should have facilities afforded for the examination of their books, and should make these parties responsible for the sale of any articles described by the police as stolen; also that the Police authorities should have liberty to advertise or circulate lists of presumed members of "Long Firms," or other receivers, without any liability to prosecutions or actions for libel, for any reasonable step taken in this and similar directions. And, further, it is suggested that pawnbrokers shall receive a percentage, through the Police, on the value of all stolen property recovered by their assistance. In certain localities, something has been done, in regard to the adoption of this last-named practice. The limitation of pawnbroking operations to certain hours of

the day, and the prohibition of receiving goods, for pawn, from children, might be of service to the community.

It is also to be desired in England that the Police or Magisterial authorities should be furnished with greater powers for the INITIATION of Prosecutions. This too generally devolves upon private persons, to the great injury of the public interests.

Some such measures as these are generally necessary for the welfare of every community. And, if enacted by law, they will greatly influence the efficiency of the Police and their ability to promote the public security.

Higher Grade Police Functions.

In reference not only to the control over the receivers of stolen goods, but also, and especially, in regard to the supervision of conditionally discharged convicts and habitual criminals, it is to the more intelligent and the more morally capable members of the Police Force that resort must be had for efficiency and success. Otherwise failure will ensue.

For, as in ordinary society, so also there are "black sheep" amongst every large body of Police, men who are peculiarly weak to resist temptations, inducements, and blandishments, or who love to indulge malicious and cruel dispositions, by the exercise of oppression, through a perversion of their official position. It is of the utmost importance for the chiefs of the Police to exercise constant vigilance, lest such a class of persons become entrusted with duties which they will prostitute and pervert, to the dishonour and unpopularity of the whole Force. Thus, in the earlier days of the supervision of discharged prisoners in England, there were frequent complaints of police tyranny, through the betrayal of the antecedents of former offenders, who had succeeded, after leaving jail, in obtaining employment, and were leading honest lives.

Probably these complaints on the part of the public were exaggerated; but at any rate they were so frequent and continuous, as to constitute a reasonable ground for anxiety and suspicion as to the abuse of their office by some policemen. But of later years, this very important work, of the supervision of conditionally liberated criminals, has been placed in the hands of the superior officers, and of a Special Department, and not entrusted to the rank and file indiscriminately. In consequence, the complaints, formerly so frequent, have largely disappeared; and even the discharged prisoners themselves feel, and have often testified, that they have found, amongst the Police, some of their best helpers in obtaining employment, and in endeavours to encourage them in honest courses.

It is of still greater importance that the lower ranks of police should be most carefully supervised and restricted in their powers of control or arrest, in regard to Prostitutes. For it is in connection with these and with the moneyed frequenters and keepers of Brothels, that in England, and everywhere else, the Police have usually been specially weak and unreliable.

Moral Aid to the Police.

Yet it is to be remembered that no inconsiderable amount of Rescue Work has been, and is, achieved by the British Police amongst those usually termed the criminal classes, neglected children, and tempted youth of both sexes. But for the chief qualification and motive power for these various functions of the higher order, and of preventive efficiency in particular, the organisation of this body of officials requires all the assistance which administrative wisdom and voluntary moral and religious influences can furnish. In Great Britain, at any rate, these aids are being increasingly supplied, partly through the efforts of philanthropic individuals amongst the public,

partly by the principal authorities, and partly, also, by the self-help and independent exertions of the Police themselves.

Some of the Bishops, Clergy, and other Ministers of the Gospel have begun to interest themselves in the religious welfare of the Police. Many Bible classes have been recently established amongst the Force, in Great Britain; also a number of singing classes. Some progress has been made in the establishment of Libraries and Reading Rooms amongst them. It is, however, very important that much more should be done in these and similar directions. Efforts to institute Orphanages, for the children of deceased members of the Force, have also had some successful development.

The Police and Temperance.

A number of "Temperance Unions" have been formed amongst the London and Provincial Police, and have been joined by some of the principal officers. A fine example of the latter was the late Mr. John Robinson, Detective Superintendent of the Birmingham Police, an able and universally respected man, and a practical Christian. In one period of five years, he induced one hundred and thirty-seven policemen to sign the Total Abstinence pledge. Many members of the force, with their wives and families, were largely indebted to his influence for the happiness of their lives and homes.

Some excellent remarks on the importance of Temperance amongst the Police, were made at a meeting at the Mansion House, London, in 1885, by Mr. James Monro, one of the principal Commissioners of the Metropolitan Police. He said—"We, as Commissioners, have at times a very painful experience in dealing with cases of intemperance amongst the men. No task is more painful than to deal with those cases. I can assure you that to myself, and I have no

doubt to my colleagues also, it is a matter of deep personal grief, to see fine men, old and young, brought up before us and obliged to be dismissed the service, on account of their having yielded to this terrible temptation—dismissed the service, I say, because it is held, not only by the Commissioners of Police, but by the public, that any man who persistently and habitually yields to such a temptation, cannot adequately fulfil the responsibilities of office which the public had put upon him. Both by day and by night, the duties of the Police are extremely arduous and difficult.

"I must not lose sight of a special temptation which is caused, not by the work that the Policemen have to do, but by the action of others. I think most of you will bear me out in saying that there are not many places in London where a Policeman cannot get his beer, pretty well all the year round, for nothing. This is very much more insidious and dangerous than the temptation which is afforded by the performance of hard work, because yielding to it means the omission to perform duty, shutting a man's eyes and holding his tongue. I do not say with reference to what, but I have no doubt that you all know perfectly well what I mean.

"Well, when I talk of these temptations, I do not, for a moment, mean to palliate, as it were, the yielding to them because they are great. As Englishmen and as English policemen, I should say to you, resist them; fight against them; overcome them; and if, by joining this Union, and by Total Abstinence, you do overcome this evil, then I am perfectly certain you will be better policemen and better men."

In America also, the temptations put in the way of Police by drinksellers are very great. Dr. HOWARD CROSBY states that the Chief of Police, in one city in the United States, earned some thousand pounds sterling annually "by his carefulness in leaving the license-law breakers alone." It is further stated by Rev. JOSIAH STRONG, Secretary U.S.

Evangelical Alliance, that in New York the liquor vendors collectively possess such power, through bribery of some of the Police officials, that, in certain cases, punishment is secured not for the violator of license laws, but for the conscientious subordinate of the Police who may venture to arrest such a one.

In order to extend Temperance, whether amongst policemen or the general community, a principal condition of success is the contrivance and adoption of such details of arrangement, as render the desired object *readily practicable*, and prevent its becoming too difficult of attainment. Thus the movement in favour of popular sobriety amongst the general community, has of late years made very considerable progress, chiefly through the opening of numerous self-supporting establishments for the sale of cheap and good substitutes for intoxicating liquor; or otherwise, for the provision of light, warmth, books, music and recreation, as attractive rivals to the tavern or gin-palace. Comparatively little advance was made in the Temperance cause, until these facilities for its more general observance were secured.

And, in like manner, if the Police authorities sincerely wish to encourage sobriety amongst their men, and to protect them from the very severe temptations to which they are subjected, it is absolutely necessary for them also to institute such detailed arrangements in connection with the stations, lodgings, and duties of their men, as shall bring the desired object within their reach, easily and generally. Hot tea, coffee or cocoa, should be provided at all Police-stations, for the men during the night and early morning; and they should be allowed to fortify themselves with non-intoxicating beverages during prolonged hours of duty. Soldiers and sailors have, in many instances, been greatly assisted and cheered by having such refreshments served out to them in the early mornings, and also just before going on guard at night.

Need for more Definite Encouragement of Preventive Efficiency.

In Great Britain especially, the discipline of the Police is aided by a clearly defined gradation of punishments and rewards, fines and gifts. There would, however, be advantages derivable from a larger resort than hitherto, even in this country, and still more so in other lands, to the principle of encouragement by pecuniary remuneration, or promotion, for special zeal and success in the Prevention of crime, and in help rendered to the public Health, Temperance and Morality. The protection of Dumb Animals from cruelty should also, in every nation, constitute a duty in the cordial discharge of which the Police should be intelligently prompted and assisted. In this respect also, the British Police manifest much exemplary zeal. And here, too, their efficiency has been in a great degree stimulated by the influence of philanthropic individuals and Associations.

Police Self-Help.

The religious and moral interests of the Police, in Great Britain and Ireland, have, of late years, been materially promoted by the formation of a voluntary organization named the "Christian Police Association." Its annual meetings are attended by a considerable number of Metropolitan and Provincial delegates; and, in connection with it, there is issued a useful monthly journal, entitled "On and Off Duty," which is exclusively devoted to subjects bearing upon the welfare of the Police. Some persons of wealth and influence have given their support to the Association, and it is to be hoped that many more such will follow their good example.

Need of Public Co-operation.

In every country and town the efficiency of the Police greatly depends upon the interest taken in them by the general community, and upon the wise vigilance exercised in regard to them, by the People and the Press. In several cases, where there has been a temporary exertion of special Police efforts in the direction of Temperance, Sanitation, or Kindness to Animals, it has been observed that these endeavours were intimately connected with the stimulus furnished by certain local Philanthropists, Editors, or Associations; and that, when these relaxed their diligence, the Police also relapsed into comparative inertness.

The Police, the Public, and the Press, are three collateral and mutual influences, neither of which can become inactive without loss to all parties concerned. In Great Britain there is an increasing development of this beneficial and truly patriotic union.

Vigilance over the Police, as well as by Them, Indispensable.

In the interests both of the Police and of the public, the latter should be well protected, by the law, against any abuse of authority, or needless violence, on the part of the former. This is largely the case in Great Britain, where the Police are legally punishable for such transgressions of duty as the unnecessary use of their truncheons, or for making wrongful arrests, or for perjury, drunkenness and other offences. But, in some other countries, they are practically permitted to become instruments of oppression and even of brutality. This is a very unwise policy on the part of the chief authorities, for it tends to destroy the popular sympathy with the law and with its agents, and deprives the Police of that support and respect, on the

part of the public, which are of such material service for the facilitation of their duties.

Public Women, Public Houses and the Police.

It is particularly noteworthy that when the general popularity of the British, and especially that of the Metropolitan Police, has been interrupted, the cause of dissatisfaction has usually been connected with some abuse of the relations between the Police and Prostitutes; although their official connection with the Drivers of Vehicles also gives rise to occasional charges of harsh interference.

But it is with regard to PUBLIC WOMEN and PUBLIC HOUSES that Police failures, or corruption, chiefly and most often arise; because here the men themselves are most open to temptation and bribery, through the strong inducements of appetite. Even in the cities where the Police are most efficient, as in London and Berlin, they are *never reliable—never safe*, as the sole or chief protectors of society from the evils of PROSTITUTION; whether as to its degrading vice, or its constantly connected robbery and violence. The Police are always under special—sometimes almost irresistible—temptations, to levy blackmail on the frail sisterhood, either in money or in compliance with evil.

Even in regard to the comparatively exemplary Police of the British Metropolis, there arose, in the summer of 1887, a great outcry, on the ground of their alleged connivance with the most brazen-faced *habituées* of the pavement, whilst respectable and modest poor girls were not always free from molestation or insult by the Police themselves. It was simultaneously complained, in Parliament, and in *The Times* newspaper, the *Saturday Review*, and other leading journals, that it was a matter of notoriety that the "blackmailing" of prostitutes and of brothel-keepers was being practised, to no inconsiderable extent, in London and

elsewhere. Such charges are, from their very nature, peculiarly difficult of proof; but the circumstance that they were re-echoed from many different quarters afforded, in itself, a grave indication of the extreme danger of private and public demoralization which always, and everywhere, and even under the best of ordinary organizations, must exist, wherever the suppression or regulation of Prostitution is chiefly entrusted to the Police. In 1888, the Metropolitan authorities stated that, as the result of an inquiry made, by the Police themselves, into the morality of their own class, it was to be concluded that they had not deserved the recent blame for collusion with prostitutes. Hereupon *The Times* and other journals, whilst partially accepting this self-exculpation, took occasion suggestively to remark that, nevertheless, if the members of the Force were so free from blame in this respect, as their superiors took them to be, they would indeed be "moral miracles."

The employment of "POLICE MATRONS" has of late years been found advantageous, in some localities, for the care of females under arrest. Perhaps, to a certain extent, the oversight and control of prostitutes might be subserved by the appointment of very carefully selected police *women*, with functions limited to that department.

UTILITY OF "WATCH COMMITTEES" OVER THE POLICE.

Neither Prostitution nor Drunkenness can be effectually put down by the Police, or by mere legal Prohibition. The experiences of Paris, Berlin, Brussels, and other cities where the "Police des Mœurs" have been glaring failures, and sources of rank demoralisation, prove this, as to the former vice. And the wide-spread and irrepressible evasion of the "Maine Law," or of "Total Prohibition," in the United States, as distinct from the wholesome effect of the rigorous *restriction* and *regulation* of Liquor Licenses, conclusively demonstrates it as to the other. Nevertheless,

in each case, certain checks, or powers of control by the Police, are very needful. But, in view of the ordinary human frailty and special temptations of these officials, it is essential to public morality that some *independent* or collateral authority should be instituted, both for the assistance and for the control of the Police themselves, in reference to these special tempters, before whom they so often fall prostrate—the public woman and the public-house keeper.

Here, again, the Metropolitan experience of 1887 was very suggestive. In London the authority of the Chiefs of Police is comparatively autocratic. It is slightly influenced by the Home Secretary in the "Metropolitan District," and by a small Committee of Aldermen in "the City" proper; but generally these collateral elements of control are of very limited activity. The Civic supervision, however, appears to have been more satisfactory and effectual than that supposed to be specially exerted by the Home Office, in the wider "Metropolitan District." But in many of the provincial towns there are vigilant and efficient bodies, appointed by the local Municipalities and named "Watch Committees." Their function is to guide and watch the guardians of public security. Most valuable, in many places, is this independent check and support. And it has often prevented the police from getting themselves, and others, into grave difficulties. If, in the Metropolis also, such "Watch Committees" had been an active and potent reality, the Police authorities might have been spared some humbling experiences of failure and obloquy; whilst the public morals and safety would have been still more materially promoted than hitherto.

The highest Police efficiency, in every department, but especially in reference to Morals, is essentially dependent upon the measure of collateral control possessed, and of vigilance exercised, by the local Municipalities, or County Councils, or similar Boards, and by the Press. And it

is to be particularly remembered, in this connection, that the importance of the Police, as a body, will continue to increase, in proportion as, in various countries, conditional liberty, instead of imprisonment, and conditional liberation, after a certain measure of detention, become more and more resorted to, as means of effectually dealing with offenders, rather than by an undue use of the jail, with its numerous disadvantages.

Chapter XVI.

NEGLECTED YOUTH AND JUVENILE DELINQUENCY.

Enforcement of Parental Responsibility.

It is recorded of a boy, named John Scott, that having been caught trespassing and stealing apples, his father was summoned before a magistrate and ordered to make compensation to the aggrieved person. This was done; but Mr. Scott also chastised his son, and looked more carefully after him for the future. That lad afterwards became Lord High Chancellor Eldon; but had he been punished by imprisonment, and his father allowed, with impunity, to neglect his responsibilities, the results might have been very different. This incident was rightly regarded by an able penologist, Mr. Alexander Thomson, as being a suggestive one, in reference to the fundamental principle which should regulate the treatment of youthful offenders. So far as practicable, correction should be secured by enforcing parental responsibilities, and by bringing good influences to bear upon the homes. If these objects cannot be effectually secured, then only should other measures be adopted. Nature begins with the home and the parent. So should law and philanthropy. Well would it have been for innumerable parents and children, if the wholesome principle, adopted in reference to Lord Eldon's father, had been more generally regarded. But, unhappily, the unwise and cruel practice of imprisoning young children, and of almost exclusively making them, instead of their parents, responsible

to the law for their offences, became too frequent, especially after the introduction of certain improvements into the jails of modern times.

Reformatories and Industrial Schools.

Gradually, a partial sense of the folly and injustice of this course, led some good men to labour, with much ultimate success, for the establishment of Reformatories and Industrial Schools. They had widely observed that not only are adult criminals very difficult of reformation, but that association with them tends to render the reclamation of young offenders almost as hopeless. Whereas, by wholly separating at least the one class from the other, they found that the probability of rescuing the young, increased in a direct proportion to the early stage at which they commenced these wise efforts.

Both the pioneers and the subsequent supporters of this excellent movement have rendered most important services to the world. They have included, for example, such honoured names as those of Captain Brenton, Mr. Barwick Baker, Mr. Joseph Sturge, Mr. Matthew D. Hill, Miss Mary Carpenter, Mr. Russell Scott, Mr. Thomas Beggs, Mr. George W. Hastings (M.P.), Mr. Sheriff Watson, of Aberdeen, Mr. Matthew Dunlop, Mr. R. Hanbury (M.P.), Mr. A. O. Charles, Mr. Adderley (M.P., afterwards Lord Norton), Lord Stanley (Earl Derby), Sir S. Northcote (Lord Iddesleigh), The Earl of Shaftesbury, Mr. Alexander Thomson, of Banchory, Sir U. K. Shuttleworth, Bart.; Dr. Guthrie; Mr. E. Macharg and Mr. Wm. Mitchell, of Glasgow, Rev. Sydney Turner, Mr. Henry Rogers (of Delahay Street, S.W.), Mr. Charles Lucas, M. Demetz, M. F. Desportes, M. Robin and M. Roussell, of France; Dr. Wichern, M. Föhring, and M. Harke, of Germany; M. de Olivekrona and M. Wieselgren, of Sweden; Mr. C. L. Brace and Mr. C. D. Randall, U.S.A.;

M. SURINGAR, of Holland; M. F. STUCKENBERG, of Denmark; M. FUCHS, Baden, and many others. Two of the above-named gentlemen, in particular, Mr. G. W. HASTINGS, M.P., the energetic organiser of SOCIAL SCIENCE CONGRESSES in England during many years, and his friend, Mr. T. B. L. BAKER, have greatly promoted improvements in the treatment both of adult and juvenile criminals in this country.

The success of the class of institutions thus introduced for training criminal and neglected youth, and as substitutes for the prison, has been marked and decided. Large has been the consequent measure, both of prevention and cure. But, as time has gone on, there has also been manifested in this, as in so many other matters, a tendency to proceed to a mischievous extreme, and to develop what has been, not inaptly, termed an "institution craze."

ABUSE OF TRAINING INSTITUTIONS.

It is right and necessary that orphans, or utterly friendless and destitute children, whether virtuous or delinquent, should be cared for, at the cost of the State, or of the charitable; but in certain countries, and especially in Great Britain and some of the United States, much more than this has been done. Wilfully idle, drunken and improvident parents, have been, in thousands, relieved of their natural responsibilities.

Numerous establishments, some of great extent, have been erected and maintained, at a heavy cost to the honest and industrious portion of the community, in which pauper, criminal, and neglected youth have been received, with a facility and almost with an open welcome, which has practically put a premium upon parental vice and carelessness. These children of the deliberately improvident, or criminal members of the population, have often been loaded with comforts and advantages, far superior to those possessed by the offspring of the honest working man. Indeed, the

latter has been taxed for the support of the former. This folly has been perpetrated on a large scale. A shrewd observer, holding high office under the British Government, remarked to the writer that, in his view, it has constituted one of the most mischievous and most extensive perversions of originally well-meant philanthropy and legislation.

So far as Great Britain is concerned, a three-fold mistake has been committed in this matter.

Firstly, the responsibility of the parent has been largely disregarded, or not enforced. Official statistics show that, on the average, only about a shilling in the pound, or one-twentieth of the cost of the children, in English Reformatories and Industrial Schools, has been obtained from their parents or friends. Neither is their responsibility, in general, brought home to them in other ways, as by punishment.

Secondly, the multitudes of young persons thus taken over by the State, have often been crowded together, without due classification, and with a demoralising mixture of those of tender years with older and vicious youths. Hence the numerous outbreaks, riots, and incendiarisms, which have taken place in Reformatories and Training Ships. More than a few of these have, at one time or another, been set on fire by their inmates. Hence, also, the frequent complaints, by prison officers, that some of the worst convicts are those who have been trained in such institutions.

It has often been practically forgotten that the mischiefs arising from evil association may be as potently active in "Reformatories" as in Prisons. And a want of care, in this respect, has certainly been attended by serious results to the inmates of many such institutions, and has lessened the popular estimate of their efficacy, as places for advantageous training. For example, at the Liverpool Assizes, in 1886, thirteen youths were arraigned before JUSTICE GRANTHAM,

for a mutiny on board a reformatory ship, during which outbreak one of the officers was dangerously wounded. The Judge sentenced one of these lads to penal servitude for five years, and others to hard labour for twelve months. In passing sentence, he remarked that "There was a mutiny of a very serious character on board the same 'Reformatory' four years ago, in which the ship was burnt to the water's edge; nor was that the first time that a similar attempt had been made on board the ship, and they now had a serious outbreak, in which one person was nearly murdered. For the last four or five years the ship must, of necessity, have been a school for crime, to all those brought into contact with those lads. Could they imagine anything more certain to create mischief amongst boys than to take the thirteen lads, just as they stood, and place them for five years in contact with 192 other lads, with nothing to prevent their leavening the whole mass?" A few days later, another Judge made a protest against the mischiefs arising from a want of classification in Reformatories. In Scotland, several incendiary fires at Reformatory and Industrial Schools have also excited grave anxiety as to the danger of allowing young children to come under the influence of depraved ringleaders in such establishments. A Welsh High Sheriff has characterised some of the large "Training Ships" as "mischievous floating prisons, of one large cell." The chaplain of one of the largest and best managed of Reformatories, near London, wrote, in 1884, to the Secretary of the Howard Association: "The evils resulting from a promiscuous intercourse of the elder and younger boys in Reformatories can hardly be described in words. The corruption to which I allude is the root of almost every outbreak of insubordination, incendiarism, and so forth, of which we so frequently hear, in connection with Reformatories. You will be doing good service to the State, by continuing to draw the attention of the public to this most important subject."

The officers of some of these Institutions have earnestly endeavoured to combat these dangers; but wherever there is an insufficient practical regard to the necessity for strict classification, as to age and numbers, the utility of such establishments will be impaired.

Thirdly, it is to be noted, as a special blunder, that after spending large sums of public money upon the Reformatory and Industrial Schools of Great Britain, and after employing able and painstaking instructors to furnish a course of training, of several years' duration, a considerable proportion of the young people have been sent back to their parents, who have often proved to be their worst enemies. These fathers and mothers have repeatedly undone all the good and costly work achieved in the schools, and have urged the boys to theft and the girls to prostitution. By a perversity of sentimental folly, the imaginary so-called "rights" of such parents have been allowed to sacrifice the *real rights of their children*, and to ruin the latter, for life, in body and soul. For example, at the large Industrial School for Middlesex, at Feltham, it has been found that the relapses into beggary, or crime, amongst the former inmates, who have been claimed by their parents, have been three times more numerous than those amongst the orphans and other lads whom the managers have been able to place out in situations away from their relatives and old companions. The mother of a Feltham scholar, being remonstrated with for beguiling her lad away from some good honest occupation, replied: "What is the use of children, if you do not get something out of them?"

The reports of the various Societies for the Prevention of Cruelty to Children,* furnish abundant and most painful demonstration of the utter unsuitability of a certain class of parents to be ever again entrusted with any control whatever over their offspring, when the State has once had

* These bodies, under the excellent leadership of Rev. BENJAMIN WAUGH, Miss HESBA STRETTON, and others, are doing useful service.

occasion to interpose for the custody of the latter. The writer recently saw a boy in a prison-cell who had been convicted of theft, perpetrated at the instigation of his mother, who used to turn him out on the streets, and give him a strapping if he returned empty-handed. Such parents are sadly too numerous. Whilst this chapter was being written, a small boy, in an English town, was arrested by the police for attempting to commit suicide. It appeared that he and his two young sisters had been habitually beaten, half-starved, and otherwise ill-treated, by a drunken father. The sapient local magistrates contented themselves with merely reprimanding the parent; but ordered the boy to be sent for years to an Industrial School, at the public expense!

The Honorary Secretary of the York Industrial School, Mr. F. J. MUNBY, wrote in 1885: "As matters stand, these schools not only may, but too frequently do, provide a premium on negligence and unfaithfulness, in parents of the most depraved character; and magistrates, in the hope of promoting the welfare of the rising generation, by rescuing the children, cannot, in many instances, avoid doing wrong to the present generation of exemplary rate-paying parents." He adds, rightly, with regard to the reckless fathers of many of the children sent to these schools, that, instead of being virtually encouraged by the State to get rid of their responsibilities, as hitherto, they "deserve imprisonment, with hard labour; and, until they experience this, the work of Industrial Schools will continue to be fatally marred. The restoration, to such people, of the control of their children, after discharge from the schools, at the age of sixteen, was a fatal mistake, and we see no need for it, at any age."

A similar experience is being reached in the British Colonies. For instance, in 1888, Mr. J. B. MATHER, the assiduous Honorary Secretary of the State Training School for Boys, at Hobart, in TASMANIA, issued a report of that

institution, in which a protest was made against worthless parents "who, as soon as they find their children are doing well and earning money, strive to get hold of them, so that they may have the advantage of their earnings, apparently regardless of any other consideration." The Report regrets that the Tasmanian Government has been prevented from securing the total control of all State-supported children, until they attain the age of twenty-one.

Such grievous blunders as these have materially limited the usefulness of English Reformatories and Industrial Schools, though, happily, in spite of them all, these institutions have been a great improvement upon the old plan of committing delinquent children and youths to prison, amongst adult criminals of all classes.

The French are, in regard to this particular, somewhat wiser than their British neighbours have hitherto been. For, in France, those parents whose wilful neglect, or bad conduct, causes their children to be taken charge of by the State, are thereby, very properly, deemed to have forfeited all rights and control over their offspring; and permanently so. They may not even visit them—in the State institutions for such young wards—unless their character is so far improved as to entitle them to this limited indulgence.

A Noteworthy Distinction.

It is important to bear in mind the distinction existing between the English "Reformatories" and "Industrial Schools." The former are for such youths—chiefly the elder ones—as have actually committed felony or other crime, and who have usually undergone a brief preliminary imprisonment. Whereas the Industrial Schools are for the reception of the younger class of offenders—mostly those under twelve years of age—who have not been imprisoned; and also for the rescue and protection of children under fourteen years, who have not yet

been guilty of any legal offence, but who, from their circumstances and surroundings, are in special danger of being ruined, unless promptly prevented by the interposition of the State and local philanthropy. On the whole, it may be briefly assumed that "Reformatories" are for *criminal youths*, whilst "Industrial Schools" are for *non-criminal children*. In the latter, the detention has hitherto ceased at the age of fifteen or sixteen, but, in Reformatories, the inmates have been received up to the age of sixteen, and detained for from two to five years thereafter.

There appears to be a general agreement of opinion, amongst those persons who have devoted most attention to the subject, that it is a cruelty and folly to imprison children under the age of twelve or thirteen years. But as to young persons above that age, there is a great diversity of view; though the preponderance seems to be against any actual imprisonment until the age of fifteen or sixteen has been attained. So strong and so general a feeling against the incarceration of young children, even as a preliminary measure before sending them to a Reformatory, has of late years grown up in Great Britain, that, in very many cases, magistrates have preferred to discharge young delinquents, rather than become parties to affixing upon them the stigma of imprisonment. Hence the INSPECTOR OF REFORMATORIES and other authorities have urged legislative modification of the long-existing requirement in this respect.

It was wisely remarked by the late Mr. CHARLES WILSON, of Sunderland, who devoted much labour to the care of neglected youth: "There are many degrees of criminality; and Reformatory Schools, where a stronger discipline is usually enforced, are especially adapted for the older and more hardened; as it is not desirable to mix them with the younger and less criminal." The same writer added: "We must bear in mind that we have in our midst, numbers of children, experienced thieves, both boys and girls, who are regular pilferers." Hence he expresses a decided

opinion that short terms of detention, such as two years, in Reformatory or Industrial Schools, are not long enough for the formation of the requisite good habits in these; and he quoted the Rev. Sydney Turner, as having held a similar view. This conclusion may be taken as a correct one, at least in reference to a certain proportion of children, whom it may be absolutely necessary to send to such institutions.

Both in England and in the Colonies, many youths are comparative veterans in crime and vice. Thus in AUSTRALIA much of the crime in cities is committed by lads, locally termed "LARRIKINS." Respecting these, it was stated, in 1887, by Mr. P. PINNOCK, a magistrate of Brisbane, Queensland: "In one year there were 157 cases of young men, mostly under the age of twenty-one, few being above that age, who were brought before my Court, and who were stated by the police, to be living on the prostitution of women." Many Australian authorities attribute this "larrikinism" chiefly to parental neglect, or cruelty, or positively vicious training. As to young girls, Mr. Pinnock added: "There are facts which I dare not tell. We have to protect girls from their fathers; sisters from their brothers. It is something horrible."

The London *Spectator*, in 1888, suggested that for the class of turbulent lads who give so much trouble in England and abroad, more facilities and inducements should be provided, for the application and exhaustion of their exuberant physical energies, by means of numerous PUBLIC GYMNASIUMS. Prizes for skill in athletic sports are useful inducements to such a class to devote their time to harmless muscular training. Even in many of the better disposed among these, the animal development so predominates over the mental and spiritual, that they resemble the American youth who shrunk from the idea of a Puritan "Heaven," saying: "Whatever could I do there? unless they could employ me in some good hard work, such as hoisting up one of them Pearl Gates, or the like."

Where parental responsibility can be enforced, the training of children at home is incomparably better than the pauperizing system of throwing the burden of them wholly or mainly on the State. Many a vicious or idle parent, who now complacently permits his offspring to be thus maintained at the expense of his hard-working neighbours, and even eagerly endeavours that such shall be the case, would promptly bestir himself, if obliged to perform a certain amount of labour for the State, or to undergo a term of cellular confinement for the neglect of his natural duties. The imposition of adequate fines, or of such chastisement as the above, in failure of payment for the institutional training, would often secure a lively and wholesome determination to take more efficient care of children, previously and voluntarily left in the way of temptation. At any rate, very much more of this desirable kind of result than has hitherto been the case in Great Britain and in the United States, might easily be thus secured. Where fines and imprisonments fail to effect the desired aim, then the taking over of the children by the State should reasonably involve the forfeiture of all further parental control over their offspring, in the best interests of the young persons themselves. To regard, at public cost, the "rights" of such parents, is pernicious sentimentality.

In several American States, this absolute forfeiture of control by the parents is very beneficently enforced, in regard to the class of children who come under the category of public wards. In Michigan these are sent, in the first place, to undergo a preparatory training of nearly a year in a large industrial school of grouped homes. They are then distributed, but still under regular supervision, amongst the farmers and other householders, who gladly receive them without payment, and adopt them into their families. This is, in fact, the "BOARDING OUT" system, which has long worked well elsewhere in America, and in Australia and Great Britain. It has found

able advocates and exponents in Mr. C. D. Randall, Mr. Letchworth, Mr. G. S. Griffith, and others in the former country; and in Lord Cranbrook, Sir Charles E. Trevelyan, Bart., Mrs. Nassau W. Senior, Mr. Francis Peek, Mr. George Greig, Professor W. N. Hancock, Mr. Herford, Miss Preusser, Mr. D'Esterre Parker, Colonel Grant, Mrs. M. J. (Catlin) Davidson, Miss Pigott, Miss Akers, Mr. J. L. Motion, Miss Joanna M. Hill, Miss Florence D. Hill, Miss Mason, Mrs. D. Archer, Miss W. Hall, and others in Great Britain.

The practice of "boarding out," or "licensing out" such young persons, is an excellent method of disposing of them. Some of the best managed Reformatories in Great Britain have resorted to it largely. Thus boys who have been sentenced to five years' detention in a Reformatory have, in many instances, after about two years' training, been placed out, "on license," amongst the neighbouring artisans or farmers. In Scotland especially, this wise practice has been much favoured by Reformatory managers. It tends materially to diminish and modify the costliness of the institutions. Such conditional liberation, or duly supervised boarding out, might, with advantage, be made a far more prominent mode of dealing with juvenile offenders everywhere.

Help of Youths after Leaving Institutions.

In reference to the extension of some further care over the young persons who have ceased to be inmates of Reformatories, Industrial Schools, Pauper Schools, or similar institutions, it may be appropriate to mention the benefits which have attended a practice long adopted at M. Wichern's establishment at the "Rauhe Haus," near Hamburg. When any of the children who are being trained, approach the time when their stay there must come to an end, their instructors endeavour to secure, for

each one, a patron or *special friend* in the neighbourhood, who may be willing to make some endeavour to obtain employment for his young ward, or at least to render him, or her, some little help and kindly oversight, after finally leaving the schools. Much willingness to undertake such good offices has been shown by the respectable inhabitants of Hamburg and its vicinity, and many young lives have thus been effectually aided and guided to happy and useful careers. Nor has the benefit been one-sided. The exercise of this benevolent friendship has been very helpful to the patrons themselves. The cultivation of a similar principle might, with great advantage, be adopted for the assistance of many young persons, on their leaving institutions where they have received an education and oversight which it is very desirable should not wholly or abruptly cease with their departure from such places. Not merely juvenile offenders, not only friendless and pauper children, but all classes of young persons beginning the battle of life, may be greatly benefited by some such arrangement, wherever practicable. The ancient, but unfortunately too generally merely nominal, office of "Godfather" and "Godmother," was wisely intended to meet this need. In London and elsewhere, of late years, some excellent efforts in this direction have been put forth, on behalf both of youths and girls requiring sympathy and friendship amid their loneliness and temptations; as for example by "the M.A.B.Y.S.," or "METROPOLITAN ASSOCIATION FOR BEFRIENDING YOUNG SERVANTS," and "THE GIRLS' FRIENDLY SOCIETY"; also by the "CHURCH OF ENGLAND SOCIETY FOR PROVIDING HOMES FOR WAIFS AND STRAYS" which has boarded out, emigrated, or otherwise trained and started in life, some thousands of poor boys and girls. The Anglican Church has taken an honourable leadership in this class of effort.

Juvenile Emigration and "Boarding Out."

In connection with this subject there may be added a few words on the Emigration of young persons, whether of those who have been in reformatories, or those of a pauper or neglected class. In Great Britain, considerable attention has recently been directed to this method of permanently facilitating the interests of these wards of the State or of philanthropy. Thousands of them have been sent to Canada and the United States, through the efforts of various benevolent persons and societies. It has been found that although there is an increasing jealousy, in the United States and Canada, against any form of pauper emigration from Europe, there is much readiness, on the part of farmers and householders there, to receive partially-trained children and employ them in industrial occupation. This arises from the comparatively high value of labour in those younger and less crowded countries. But in any arrangement for the systematic emigration of the young, it is important to secure two things. Firstly, they should have a preliminary training, for about a year, before being sent abroad, and secondly, some effectual means should be taken, for their due supervision and visitation, in their new homes. Otherwise, serious abuses may arise; as has indeed sometimes happened, both in regard to children sent from Great Britain, and also as to some of those migrated from the crowded American cities of the Atlantic sea-board to the Western States. The need for the training does not so much apply to those who have been inmates of Industrial, or similar Schools, but rather to the young paupers from Workhouses, or waifs and strays from the street. The necessity for very careful selection and visitation of the homes, applies to every class of young persons thus sent abroad, or to distant localities. It is a matter of essential justice to the inhabitants of the

countries where such young emigrants may settle, that they should be placed out under such arrangements, or after such training, as to secure them from becoming nuisances to those around them. Some of the American people are becoming very jealous as to this danger. And not without reason.

It is too generally forgotten that the disadvantages arising from a want of oversight, or supervision, are far greater in the case of children brought up in the slums of cities, or even in the wards of workhouses, than in regard to those from rural homes, selected with reasonable care, either in Great Britain or the Colonies. The pestiferous life in the slums, with the too general promiscuous crowding of both sexes in one room and one bed; the by no means infrequent cruelties and demoralisation in Workhouses and Pauper Schools; and the occasional revolts and incendiarisms in the best Reformatories and Industrial Schools; all these things demonstrate the far greater dangers of the congregate than of the individual training of delinquent or destitute youth.

Mild Corporal Punishment.

The English law, in certain cases of juvenile offences, permits the infliction of a few strokes with a birch rod, instead of other punishment; and he must be a bold man who will dare to deny that it may be more merciful, in various instances, to impose such a short and mild infliction, rather than to have recourse to incarceration in a jail, or even to a long and costly detention in a "Reformatory" or "Industrial School." Some of the most humane and experienced authorities have advocated the first of these alternatives. For example, in a letter addressed to the writer, as Secretary of the Howard Association, an ex-Lord Chancellor, Lord Selborne, expressed his opinion, deliberately and long-entertained, as to the wisdom and

humanity of a moderate corporal punishment for children, rather than sending them to prison." He added, "I do not think it follows that, in cases proper for a Reformatory School, it would be better to use corporal chastisement, than to send a child to such a school. I suppose that a child would *not* be sent to such a school, unless the frequent repetition of offences proved the inefficacy of other means of correction; or unless the child were neglected at home and exposed to degrading and demoralising influences. In such cases, if the School is conducted as it ought to be, so as to be free from the demoralising tendencies of a prison, it may be the very saving of a boy to send him there."

Lord Selborne, in this letter, precisely indicates the principle which should alone authorise recourse to a long and costly detention of a child in a public institution—"unless the frequent repetition of offences proved the inefficacy of other means of correction." But, in a great proportion of instances, these "other means" are left untried, both as to the children and their relatives. Vast burdens have been unnecessarily and injuriously imposed upon tax-payers and the benevolent, for the maintenance of children, when methods incomparably cheaper, more simple, more prompt and more finally effectual, might, and should have been, adopted.

Experience has proved this, over and over again. For example, the Town Clerk of an English borough, of more than 12,000 inhabitants, lately wrote to a public journal, "It has been our rule, for five and thirty years, that no boy and no girl under fifteen years, shall go from our Town Hall to prison." The substitute, at least for boys, was a birching. In case of repetition or obstinacy, another birching has been given; in one instance three whippings were inflicted with a couple of days' interval between each. It is added, "The result is that we have not a known juvenile thief in the place. Thieving is

unpopular and contemptible, in the eyes of the boys who do not want to be birched, but who probably might not object to become heroes of 'penny dreadful' depredatory adventures."

A correspondent of the London "Reformatory Journal" remarks as follows: "Reasonable, temperate, solemnly administered, *exceptional* bodily correction, seems to me, after many years' study, the most merciful punishment for young children. To deprive them of food is to impede their growth; to put them into solitary confinement is a terrible mental blow; and to quote incessantly our Saviour's example, or to chatter about 'the love of Jesus,' tends to degrade, by undue familiarity, the holiest form of teaching. Observation in schools will convince any one that the usually substituted punishments are more likely to be both unjust and excessive. The sending a child into confinement, or making it stand upon its legs for thirty or even sixty minutes, is more dangerous in this respect, and the pain—sometimes amounting to torture—of the latter punishment, is inconsistent with the objection to corporal punishment. The infliction of a hundred lines of verse, to be learnt by heart, may be mentally far more injurious to a little boy, than a sharp and short swishing."

All corporal punishment, whether for children or adults, should be free from cruelty, and not administered under sudden impulse, but after deliberation. An additional means of impressiveness, and also a provision against undue severity, in inflictions of this nature, may be afforded by regulations insisting upon the presence of some independent witness, or local authority. The chastisement of children by blows on the head, or "boxes" on the ear, is altogether objectionable. Serious injury has resulted from these, in may instances. Whenever corporal punishment is to be inflicted, some rules or arrangements are requisite, to prevent its becoming a mere result of passion, or other incapacity on the part of those who impose it.

It must especially be remembered that many of the children who have been sent to prisons, or reformatories, have previously undergone *much* corporal punishment, but *of the wrong sort*, from their parents or other relatives. It has been the infliction of mere passionate blows, and often wholly without just cause. This course is worse than useless. The efficacy of corporal punishment, whether for adult or juvenile offenders, depends upon its strict justice and its ensured deliberateness. It should, as a rule, never be inflicted on the spur of the moment, or without consultation with one or more judicious persons. It is because these precautions have so generally been neglected, that corporal punishment has so much fallen into disrepute, and its possibilities of usefulness have been lost sight of, on account of its abuse.

Brief Solitary Confinement.

Those who still object to the infliction of any corporal punishment whatever, may perhaps approve the substitute, both for that chastisement and for imprisonment, which has been advocated by a Middlesex magistrate—Mr. W. Knox Wigram—who, in his "Justice's Notebook," protests against affixing the jail stigma upon either boys or girls, and also objects to an excessive resort to Industrial Schools. He says: "It would be an immense boon if there were some legitimate way of ordering a boy or girl to be locked up, in solitude, for twenty-four hours," either at a police-station, or at some other place, perhaps still more suitable. He adds, "There would be no romance about it; nothing heroic, no prison experiences to boast of. The 'obstreperous' boy or board-school truant, locked up alone for twenty-four hours or so, with nothing in the world to do, bread and water in extreme moderation, and a plank for the night, would have tasted punishment in its purest form. He would understand that he had been treated as a

child. He would not have liked the treatment, nor the being delivered at his father's door next morning—like a parcel—with one shilling to pay." This is a suggestion, worthy of consideration. It might obviate, with advantage, much prolonged and costly detention in prisons and reformatories. A somewhat similar plan was tried, with success, for many years, with refractory French lads, by M. Demetz, in a special house in his establishment of Mettray, near Tours.

How incomparably more suitable is the mode suggested by Mr. Wigram, for many young offenders, than the existing system too often adopted in England. For example,—the case of a little girl of twelve years old was mentioned in Parliament, in 1888. For a theft of a piece of meat, of the value of 10d., she was imprisoned ten days in Norwich jail, and further committed for *five years* to a Reformatory. This was the child's *first* offence. Mr. C. Bradlaugh, M.P., very properly called the attention of the Home Secretary to the matter; but that functionary approved of this sentence.

It should constantly be borne in mind that the faults of the parents are the *chief* causes of juvenile delinquencies of all descriptions. Hence, the former should have the larger share of punishment and of executive pressure. A whipping, or a short imprisonment, would more often do good to a vicious father, and through him benefit his family, than sending the latter, at the public expense, to training institutions for a long period. Many worthless parents send out their young children to beg for them, or to sell matches, or papers, in order to obtain money to be spent in drunkenness and vice. Such wretched children are thus often driven into crime. For they are beaten or cruelly ill-treated, if they come home empty-handed. Hence, everywhere, very young children should be prohibited by law from vending anything in the streets. And parents, sending out such, should be punished.

Aberdeen Day Feeding Schools.

Amongst the various experiments which, at different times and places, have been entered upon, for the rescue of very poor children in danger of becoming offenders, one of the most successful was the system of the Day Feeding Schools, adopted at Aberdeen, in 1841, chiefly through the efforts of the benevolent Sheriff, Mr. William Watson. That city and its vicinity had become greatly plagued by juvenile mendicancy and crime. But a remarkable and permanent improvement speedily took place, after the establishment of these schools, which were conducted upon a simple and inexpensive basis.

The children of the poorest and lowest class (and, it must be noted, of this class only) were admitted, free of cost to the parents, the expenses being furnished partly by voluntary subscriptions and partly by municipal or other local grants. Four hours of lessons, five hours of manual industry, and three good meals, constituted each day's routine; with the exception of Wednesdays and Saturdays, when half-holidays were given. The attendance was wholly voluntary, at any rate during fourteen years; but subsequently a few children, of a special class, were sent by official order. But, generally, the free meals constituted effectual inducements to punctuality and regularity of attendance. The children came at seven o'clock in the summer, and eight in the winter. After an hour's instruction, those present at the opening received a sufficient breakfast of milk-porridge. After an interval for play, they re-assembled for work, from ten till two o'clock. Then followed dinner, of plain, nutritious food, such as broth, soup, bread, and potatoes. From three to four, work was resumed. Then followed three hours of recreation, till seven, when a supper of milk-porridge was given. After this, ensued prayers and Bible reading; and at eight o'clock the children were sent to their homes.

The participation in each meal was made strictly conditional on a punctual attendance at the preceding lesson, or work. Thus a child who did not come in time for the forenoon school, would forfeit his dinner. If he missed the afternoon gathering, he would lose his supper.

The instruction given was of a simple and practical nature ("the three R's"), Reading, Writing, Arithmetic, with some Geography and object lessons. Each day's proceedings began and ended with prayer, Bible reading, and a little singing. A loving faith in God and Christ was carefully inculcated, and constituted a most valuable feature in the method, and one which honourably distinguished it from certain more ambitious schemes subsequently carried out on both sides of the Atlantic. The simple manual industry was also a prominent element which some later systems might with advantage have adopted. The boys were taught shoemaking, tailoring, carpentry, box-making, and other useful handicrafts, (as in the common or "Slöjd" schools of Sweden and some other countries). The girls were employed in knitting, sewing, box-making, etc. The main object, wisely kept in view, in regard to this manual training, was not so much the amount of immediate pecuniary earnings, as the formation of habits of dexterity and the skilful use of tools and materials. The average profit, on these branches of school industry, was about twenty-five shillings a year, for each child. This amount was appropriated towards defraying the cost of the food and training, which altogether averaged about £6 10s. per annum. Hence the net expense (after deducting the children's earnings) was just five guineas a year, for each.

This was a much cheaper course than the subsequent development of costly institutions, "District Pauper Schools," "Board Schools," with elaborate systems, which have by no means surpassed, if indeed at all approximated, in efficiency, the simple plan, devised and so

long successfully carried out, by those shrewd Aberdeen philanthropists, who had their reward in a most material diminution of local pauperism, mendicancy, and crime. In another Scotch city—Glasgow—it was complained in 1888, by the *N. B. Daily Mail*, that the erection of only six of the many Board Schools in that place had cost the ratepayers £174,000; that twenty-four of the teachers' salaries were not less than £400 each, and several were £500; and that the indebtedness of the local School Board in fourteen years had nearly reached the enormous sum of £800,000!—(*Mail*, March 17, 1888.)

"Day Feeding Schools" have subsequently been established in various other towns of Great Britain, but perhaps never with such complete and successful organization as at Aberdeen, where the industrial, partially self-supporting, and decidedly religious training, was carefully combined with judicious elementary instruction, strictly limited to that which was necessary to render the children useful and contented in their ordinary sphere of life.

One or two other features in the Aberdeen schools deserve notice. They did not provide clothes for the children (with some exceptions) nor lodgings. In so far, they insisted on the discharge of the responsibilities of the parents and friends of the scholars. For some of the most destitute, however, a little special provision was made in hese respects, but only as exceptional cases.

Grave doubts were at first entertained, by some persons, lest the good work accomplished in the schools, by day, might be undone by the parents and friends, on the children's nightly return home. And perhaps, in a few instances, such an effect may have been observable. But, in general, it was otherwise. A writer on these schools, Mr. ALEXANDER THOMSON, of Banchory, stated, in 1857, "The result of above fifteen years' trial proves that the cases where evil has resulted from the children returning home are very rare, while, on the other hand, there have

been most cheering instances of substantial good having ensued from the children carrying home the school lessons to the other members of the family." The steady persevering work of daily training prevailed, in the long run, for the welfare of the pupils, as a whole. In some other Scotch cities, a considerable controversy was for years sustained, as to the desirability, or otherwise, of permitting children, in schools of a similar character, to continue under their parents' roof at night. The writer, in visiting Aberdeen, Edinburgh, and Glasgow, more than thirty years after the establishment of the first Day Feeding Schools at the former place, found that there still existed some difference of opinion on this point; but persons of long and special observation informed him that, on the whole, the views of Mr. Sheriff Watson, in this and other directions, had been confirmed by general experience. For instance, the master of a large Industrial School at Edinburgh mentioned that so long as he was able to retain his authority and control over the boys, whilst in school, he found it quite safe, so far as their interests were for the most part concerned, to allow them frequent or regular opportunities of going amongst their friends, even in the worst parts of the city.

But, then, it is to be particularly noted that, at Aberdeen and also in the case at Edinburgh, just mentioned, the children *remained* under general control, and no abrupt change took place, as between themselves and their homes. They were not, as in the English Reformatory and Industrial Schools, maintained as costly boarders, independent—or nearly so—of parental support, and then, on discharge, suddenly and completely returned to their homes, unconditionally, after a long and entire separation.

The Aberdeen system carefully cherished and insisted upon the exercise of parental responsibility, at least to the extent of providing lodging and clothes for their offspring during the whole time of their training. And herein it

differed fundamentally from large barrack-like institutions, or "hospitals" (in the old Scotch sense of the word). The tendency of those establishments is to relieve parents, or nearly so, of all their responsibilities; which is a mischievous and unwise course for all parties concerned.

In a letter addressed, in 1887, to the Howard Association by Mr. P. ESSLEMONT, M.P., of Aberdeen, he remarked: "The Day Feeding School system in Aberdeen, instituted by Sheriff Watson, is still in existence, and has been tried by experience, and proved to be sound and singularly successful. It combines help to the poor, *without breaking up the Divine institution of family life*, that tie which binds humanity together."

But numerous large establishments of our day tend to break up family ties, to disqualify for home duties; and if they withdraw their inmates from certain forms of demoralization, they expose them to others. Also they often partially obviate the necessity for self-exertion, which is so essential and fundamental an element in training. Both in the case of day schools, and all classes of institutions for children who may be likely to fall into crime, or who have actually committed offences, the pecuniary responsibility of the parents should always be enforced as far as possible, or else some other mode of compelling a sense of their duty—by means of punishment for neglect—should be substituted. It should either be the one or the other course. If not, pauperisation and various serious mischiefs will result.

In those cases where the Aberdeen children were orphans, or the offspring of persons really unable to care for them, it was recommended that they should be *boarded-out*, in the cottages of the *virtuous* poor. How far such a course was adopted with the attenders of those schools is not known to the writer. But it is worth noting that, in Scotland generally, the class of pauper orphans and certain other destitute children, are now *almost entirely* dealt with by

this mode of arrangement. They are distributed *under careful supervision*, amongst the homes of the more respectable labouring classes, where, at a total cost of about ten guineas per annum, usually, they are maintained, sent to a day-school, and generally trained amid ordinary home influences. This plan has, for a long period, worked exceedingly well. The Scotch have not favoured the expensive "District Pauper Schools" of the English type, where the inmates, on the average, cost more than double, as compared with the Boarding-out system, whilst not possessing some of the moral and industrial advantages of the latter plan. An essential condition of the success of boarding-out must always consist in a due provision for the *regular and efficient supervision* of the children and of their temporary homes. In Scotland (and indeed in more than a few instances in England also) it has often been found that a strong and permanent attachment has been developed between the foster-parents and their young wards. Boarding-out was, however, merely an incidental adjunct to the Aberdeen Schools. It is thus alluded to here; but not as being necessarily connected with such schools.

The *religious element* formed a primary and exemplary characteristic at Aberdeen, both on week-days and on Sundays. On the Sabbath, the children came to the school-rooms at half-past eight for morning devotions, and then had breakfast. Worship, still on the premises, followed, and then dinner. In the afternoon they were allowed to go home to their parents, and with them, or others, to attend a regular church. At five o'clock they returned to the school, for catechetical instruction and for supper; after which they again went home. Possibly the amount of religious teaching may have been carried to an excess in Aberdeen, as in some other schools in Scotland. But it is not to be reasonably doubted that on the whole, the Scotch attachment to early Christian training has been a vast blessing to the nation. Some recent forms of merely

secular and undenominational training have tended to very objectionable developments. They have too often become socialistic or communistic, in their economic tendencies; and godless, or demoralising, in their insufficiently guarded impartation of mere head knowledge.

Denominational Education.

If parents of various creeds, or of no creed at all, are practically obliged, by the State to send their children to "Common" or "Board" schools, promiscuously, grave and often unmanageable obstacles are furnished, to the desirable communication of religious truth. Of course, it may be replied that these schools are for common instruction; and that religious teaching should be imparted in another place and at other times. Happily this can be done, and often it is done; though probably not nearly to the extent which would result from a more general adoption of denominational schools. But quite apart from this, there are elements of training, distinct from mere teaching, which the absence of homogeneous and harmonious denominational education materially influences, in the wrong direction. And it is very important that the young should, in their schools, have the frequent presence of members and ministers of their own Church, with a continuous regard to that religious fellowship which is best and most easily secured where there is no interruption by rival sects, or jealous critics, of different views. For it is a melancholy fact that many of the opponents of denominational education are avowed enemies of *all* religion. Thus, a Continental orator recently urged the suppression of all religious instruction, from the curriculum of schools and universities, precisely on the ground that "By this means we shall secure, that religious instruction will be confined to the family circle; and as, *in most families, there is little time to pay attention to it, religion will, by degrees, dis-*

appear completely." (*Vide* a striking article in the *Dublin Review*, for January, 1888.)

The compulsory companionship of piously trained children with the often indecent offspring of persons caring nothing for any religious truth, and living in the disregard of social proprieties, is a gross violation of the fundamental rights of every Christian child and parent. And the despotic disregard of such rights, which is a too general feature of modern times, has certainly tended, in many instances, to produce evil and immorality amongst the rising generation. So profoundly conscious of this fact are many parents, especially amongst the Church of England, the Roman Catholics, and the Society of Friends* on both sides of the Atlantic, that, at the cost of *twofold* payment for education (that is to say, of compulsory taxation for school-rates, with voluntary provision for denominational training), they have maintained schools where their own children may be preserved from the mischievous contamination of promiscuous association with infidel or grossly vicious families. But the practical obligation to pay such a price for the enjoyment of a natural right, is a harsh form of democratic or communistic tyranny. A similar principle too often legally steals from the laborious or thrifty tax-payer, the cost of all manner of educational luxuries and advanced studies in "Common" and "Board" schools, which do not reasonably come within the limits of necessary "*elementary*" education, and some of which, indeed, are positively mischievous to the industrial prospects and interests of the poorest children; whilst, on the other hand, many thriving tradesmen and professional

* The few thousand "Friends" in Eastern Pennsylvania very recently expended £60,000 upon improvements and building for one of their own denominational schools. But in addition to this, they must pay the ordinary public school taxes, and thus, at double expense, train up many poor children to become rivals in business and in mechanical competition with their own families.

men send their offspring to these schools where, for a few pence weekly, they obtain intellectual advantages for which other people are unjustly compelled to pay.

The Aberdeen schools avoided such infringements of public and private rights. They recognised at once the duties and privileges of the parent, the child, and the community. They honoured both God and man. The Atheist may talk of the "rights of man"; but all historic experience proves that in proportion as the sovereign claims of God are disregarded, woe results to the dearest rights of man and of woman also. Most wisely did the German Emperor, Frederick III., declare, at the outset of his brief reign, in 1888: "We must avoid creating *dangers* by *partial* education."* But eminently dangerous to the State and to the scholar, is any mode of popular education which tends, either directly to ignore religious instruction, or *indirectly to render it difficult, or inconvenient.*

Industrial Training.

There is yet another important principle which the Aberdeen schools eminently upheld—the preciousness of the right of every poor child to be guarded from obstacles to the development of his own industrial energies and instruction. They fostered habits of self-supporting labour. And these form an element in education incomparably more valuable than some of the so-called "higher" branches of mere intellectual information.

* Germany and Thrift.—In 1888 Germany also initiated wise legislation, for the further encouragement of thrifty self-support and for the consequent diminution of Pauperism, through a compulsory measure, making some provision for working men and women who become incapacitated by age or illness. This consists of Pensions of £6 each when invalided, and of £9 each on attaining old age. One-third of the needful funds are to be furnished by the State; one-third by the employers of labour; and the remaining third by the workers themselves, in weekly contributions.

The dexterous use of the hand is a priceless treasure to a poor child, and to innumerable adults also. The Aberdeen schools devoted to that special training the majority of the hours of each week-day's programme, throughout the course. Similar arrangements now exist in many of the elementary schools in Holland, Germany, Sweden and elsewhere. For example, at Gothenburg, a proficiency in the use of tools and in manual skill is effectually encouraged in the schools for the poorest children, by pecuniary and other inducements. That city, owing to the intelligent philanthropy of Mr. S. A. HEDLUND and others, has had remarkable success in several very interesting social experiments. It is in great degree owing to the wide extension of elementary technical instruction amongst the juvenile population of Germany and some other nations, that the young persons who emigrate from these countries to England are so often and so generally able to compete successfully with British labour. For hitherto there has been a gross neglect, in Great Britain, of that industrial training of children which, on the Continent, has been so well provided, especially in the evening or "Continuation" schools for the elder pupils.

Yet, in some countries, and especially in America, there is a strong modern movement to discourage and diminish juvenile skill and self-support. The testimony of prison governors, on both sides of the Atlantic, is emphatic as to the moral and social mischiefs, and to the crime and misery, produced amongst multitudes of young people, in consequence of the tyrannical interference of some Trades Unions with the good old-fashioned system of Apprenticeship. Many of the very men who most loudly denounce the tyranny of monarchies, or of "effete aristocracies," are themselves cruel despots to thousands of unfortunate children, out of whose mouths they virtually are stealing the bread by unjust rules, enforced by violent combinations—

"boycottings" or strikes—against employers, who would otherwise make provision for the prolonged and necessary training of youth in skilled industry.

Let us just take one testimony out of many, and it shall be from that land of modern "liberty"—the United States. A recent report of the Eastern State Prison of Pennsylvania, issued in 1886, shows that considerably more than three-quarters of the male inmates never learned a trade. It says (at page 15), "The number is almost phenomenal, which is here yearly registered, of those prisoners who have never learned a trade. To this the list of 'idle,' on arrest, is cumulative testimony of the danger of the ignorance of handicraft skilled knowledge." The same Report contained an instructive table of all the prisoners, for each of the past ten years, including 1,069 male youths of twenty-one years of age and under. Of these, 993 were unapprenticed, or, roundly, nine-tenths. But 864 had attended schools.

It must be borne in mind that, in America, the standard of intellectual instruction at the common schools is high. This is especially the case in Pennsylvania. The Report just quoted continues: "The yearly taxation for the support of Public Schools is enormous. This expenditure is marked by the establishment of institutions in which a very high grade of instruction can be obtained. The children of parents and those supported by guardians, who are fully able to educate their children at private schools, are sent to these public institutions." Of course they are; because of the despotism of the system of compulsory undenominational schools, which only gives parents the option of double educational payments, or of cheap socialistic and pauperising privileges of knowledge. The Report further advocates the establishment of *Technical Schools*. To a certain extent such schools are very beneficial. But was not the good old system of APPRENTICESHIP a more generally available and more thorough and independent form of

technical school? It combined advantages of prolonged, patient training, in detail, continuous practice in dexterity, and a responsible moral oversight by the master, which are not, and cannot be, equally afforded by the best of modern technical schools.

Not only are multitudes of children and youths—especially of the poorer class—being forced into idleness and crime by the cruel despotism which obstructs apprenticeship; but also the community is suffering greatly, in consequence, by the increasing difficulty of finding good workmen. The public have to undergo the costly nuisance of thousands of bungling, untrained, but pretentious artisans, whose incompetency produces innumerable inconveniences and sometimes grave disasters.

The Action of Trades' Unions.

The writer desires to avoid any mere prejudice against Trades' Unions. He is fully aware that, like most other human institutions, they include a mixture of good and evil. They furnish the working-man with a means—perfectly legitimate and right, within due limits—of banking his labour, just as the capitalist can bank his money. These Unions also exercise a large extent of praiseworthy charity and mutual help to their numerous members. They have saved vast sums to the ratepayers. They have raised justifiable barriers against the extortions of avaricious selfishness. Their leaders have manifested, on both sides of the Atlantic, a wise foresight of the great advantages which Arbitration furnishes for the solution of disputes, whether as between individuals, classes, or nations. These and other good features have characterised Trades' Unions. But, nevertheless, their despotic interference with Apprenticeship has been, and is, an extensive cruelty, especially to the young and the poor. It has probably been brought about by the pressure of the "tail" upon the "head" of the Union management, and by the

section of lazy, drunken, or incompetent men, who have envied the skill and the just earnings of industrious youth. But the practical outcome of such selfish envy is a tyranny which, it may be hoped, both the better spirit amongst the Unionists, and also the public action of communities may ultimately find means to put a stop to. Otherwise, incalculable ruin to myriads of the young people of Europe and America will continue to result. This question is intimately connected with juvenile crime and its prevention.

Limitation of Hours of Labour.

Undoubtedly multitudes of young persons, of both sexes, are, in our own day, driven into vice and pauperism, and into disease and death, by the excessive strain and exhaustion resulting from prolonged hours of labour, from early morning till late at night, in crowded shops, offices or factories. Thus many of them become incapacitated for taking any profitable interest in intellectual improvement or religious truths. They become also, in consequence, the easy prey of the tempter. Hence one of the most useful forms of service to God and to man, on the part of philanthropists, and especially of the employers of juvenile labour, consists in efforts to restrict, within reasonable limits, the hours of occupation, and to promote those conditions of sanitation, harmless amusement and moral protection, which are essential for the physical and spiritual salvation of the young.

Intemperance and the Young.

But there is another influence which is of primary importance. What is the origin, in innumerable instances, of the wretchedness of those homes which it is a calamity for any child to be born into? It is Intemperance. And what is the *main* source of that poverty which causes so many

children to be either neglected, or driven to dishonesty and evil courses? Again, it is unquestionably Intemperance Hence, those means which have, by world-wide experience proved most effectual for the diminution of this prolific root of other evils, are also chief remedies against the crimes and offences, both of juveniles and adults.

Hence also, the leaders of the great TEMPERANCE MOVEMENT may justly be regarded as being prominent amongst the penal reformers of the age. In this connection are many honourable names of individuals and organised bodies: as, for example, those of some (but as yet far too few) of the chief dignitaries of the ANGLICAN, ROMAN, and other CHURCHES, such as Dr. TEMPLE, BISHOP OF LONDON, CARDINAL MANNING, BISHOP WILBERFORCE (of Newcastle), CANON FARRAR, CANON WILBERFORCE, FATHER MATHEW; also, the workers in such religious associations as the "CHURCH OF ENGLAND TEMPERANCE SOCIETY" and the Catholic "LEAGUE OF THE CROSS;" certain Members of the LEGISLATURE, who have used their influence in this direction with faithful perseverance: as, for example, the late Mr. SAMUEL MORLEY, M.P.; Sir WILFRID LAWSON, Bart., M.P.; Mr. WILLIAM S. CAINE, M.P.; Mr. WILLIAM FOWLER, M.P.; Mr. SAMUEL SMITH, M.P., and others; various large employers of labour, such as the late Sir TITUS SALT, Bart.; the RICHARDSONS, of Bessbrook; the PEASES, of Darlington; the CADBURYS and TANGYES, of Birmingham; and the PALMERS, of Reading; and various active associations, such as the "NATIONAL TEMPERANCE LEAGUE," so earnestly supported by the late Mr. SAMUEL BOWLY, Mr. JOSEPH EATON, and their colleagues and successors; the similar SCOTCH and IRISH LEAGUES; many of the labourers in the "UNITED KINGDOM ALLIANCE," the "GOOD TEMPLARS' SOCIETY," and several other kindred bodies, at home and abroad; as, for example, the admirably-devised "HELP-MYSELF SOCIETIES," instituted by Mr. WILLIAM ISAAC PALMER and his friends; to say nothing of innumerable

excellent men and women who have laboured individually, or in union with others, for the promotion of Temperance.

Of late years the LADIES have increasingly lent their very powerful support to this movement: as, for example, the members of the "BRITISH WOMEN'S TEMPERANCE ASSOCIATION," under Mrs. BRIGHT LUCAS and her colleagues; and the vast and most efficiently-organised "WOMEN'S CHRISTIAN TEMPERANCE UNION" OF THE UNITED STATES, under the presidency of Miss FRANCES E. WILLARD. A few lady members of the British aristocracy have also graced, with their active participation, the cause of Temperance: as, for instance, the DUCHESS OF RUTLAND, LADY COWPER-TEMPLE, and LADY E. BIDDULPH.

Of the particular modes of securing an exemption from intemperance, there is none so simple or so certain as habitual abstinence from alcohol. Very few are the prisoners or the paupers who have cultivated such abstemiousness. Rare, indeed, must be a teetotal brothel. Very few, also, are the neglected or criminal youth whose homes have been continuously characterised by this practical form of virtue—teetotalism. Therefore, the zealous inculcation and extension of Abstinence, as a principal counteractive of crime and poverty, is of even greater importance than improvements in the systems of prisons, of reformatory and industrial schools, or of work-houses and poor laws.

It has been declared, with pardonable enthusiasm, by CANON WILBERFORCE, that "Total Abstinence has the power of prolonging more lives than all the doctors; of saving more money than all the savings-banks; and of preventing more crime than all the police."

Another eloquent philanthropist, the Rev. Dr. F. W. FARRAR, has graphically set forth the manifold sufferings and sins which, through intemperance, ruin legions of young persons. He traces much of the criminal neglect of children, by their parents, to the fact that the latter sur-

round themselves with "the reek of gin and the sounds of blasphemy." He shows that a large proportion of the so-called "accidents" which break the tender limbs, or crush out the lives, of thousands of little ones, are caused by drunken fathers, drunken mothers, drunken drivers, or drunken workmen; and that the other cruelties — the scaldings, overlayings, beatings, and even deliberately deadly injuries, which torment so many of the young — have the same general origin. So, also, the multitudes of children plagued with congenital disease and "every form of constitutional corruption: rickets, hip complaint, bone disorder, cancer." Hence, Dr. Farrar earnestly appeals to all Christians to prove their faith and fealty to their Lord, by making every effort in their power, by example, by influence, by action, to rescue and protect from this awful source of crime and agony, the multitudes of "little children, like those into whose rosy, innocent faces you look at home; little children for whom Christ died; little children of whom He said: 'Inasmuch as ye have done it unto one of the least of these, ye have done it unto Me.'"

Where, as is too often witnessed, the presence of merely nominal Christians is notoriously associated with a special encouragement of prostitution and drunkenness, this absence of morality must also necessarily prove a corresponding absence of religion. Probably no Mahommedan land furnishes such shocking spectacles of the ruin and misery of child life, through drunken parents, as may be extensively witnessed in highly-professing Glasgow and some other British cities. When this parental degradation is on the mother's side, it involves the worst forms of cruelty and misery to the young, from their infancy onward. Mr. William Mitchell, Vice-Chairman of the Glasgow School Board, has feelingly depicted the immense amount of juvenile suffering and criminality thus occasioned. He remarks: "Is there a sight on earth more sad, is there a sound on earth more pitiful, than the wail of a

tender infant in the arms of an intoxicated mother?" He speaks of children maimed and injured for life, by kicks from drunken fathers, or falls from the arms of drunken mothers. Such injuries are abundantly numerous. And he adds: "If there is a heart-rending sorrow on earth, it is when a decent, honest man, father of several fine children, is constrained to declare that his life is embittered, his children neglected, his circumstances impoverished, and his spirit crushed, owing to the intemperance of his wife, the mother of his children. Far, far more common is this than is generally supposed." Vast, indeed, is the mischievous fruitage, both of juvenile suffering and criminality, produced by drunken parents.* Hence, it is of pressing importance that practical Christianity may be more widely and earnestly manifested than heretofore, in the examples of personal temperance and consistent efforts to extend sobriety, especially in the interests, religious and physical, of the rising generation.

* Satanic Malignity.—The Biblical expression, "the cup of devils," is but too applicable to that excessive indulgence in alcohol which causes so many crimes and cruelties. These are amongst those "works of the devil" which it is an essential duty of Christian "good soldiership" to combat, with life-long, prayerful determination. All such mundane miseries are outward and visible signs of the real, though mysterious, existence of Satan's personality, as the most malignant, and at present very powerful, adversary of our race, of whom the Lord Jesus declared that "he was a murderer from the beginning," and he is so still. The Holy Spirit is to "convince the world of *sin*," especially by revealing it as the constant and characteristic operation of this invisible, subtle, but bitterly cruel, deceiver, rather than as a merely human weakness. For sin itself is a synonym for Satanic agency, whether by means of active impulses to disobey God, or by seductive temptations, or lethargic and blinding influences upon the soul. The general command to "resist the devil," therefore, includes an obligation of vigorous opposition to intemperance, as well as to the other evils and vices to which that baleful enemy stimulates mankind.

Chapter XVII.

CONCLUSION.

It may now be appropriate, briefly to reiterate and supplement certain conclusions which this book is designed to advocate. This is the more expedient, from the circumstance, that some of these will be found to differ from views advocated in several recent American and Continental works, of considerable interest and value, whose authors appear to rely mainly, for the progress of penal reform, upon the basis of classified association, as distinct from the entire separation of prisoners from each other. The writers referred to, might also, with advantage, have given more prominence than they have done, to the preventive and restorative efficacy of Religion, Temperance, and similar influences, in the domain both of Penology and Philanthropy.

Hence, and for various additional reasons, the issue of the present volume may be timely and useful, as an endeavour, amongst other objects, to commend afresh to the consideration of the public, the merits of that principle, which it was a chief aim of John Howard's labours to promulgate. This was so highly appreciated by some of his contemporaries, that, for example, the Magistrates of Lancashire placed on the foundation-stone of the prison, erected in Manchester, during his lifetime, the following words, "That there may remain to posterity a monument of the affection and gratitude of this County, to that most excellent person who hath so fully proved the wisdom and humanity of the

separate and solitary confinement of offenders, this Prison is inscribed with the name of JOHN HOWARD."

Subsequently, both in Great Britain and elsewhere, some influential men have made strenuous and too successful efforts to weaken public confidence in this great principle. And, inasmuch as the larger portion of every community have neither the leisure nor the inclination to investigate such matters thoroughly, a mischievous apathy has been, and indeed continues to be, too prevalent, in regard to this necessity for the effectual separation of imprisoned criminals from one another. Hence, in some countries, and especially in America, a disastrous reaction of opinion and practice, in regard to it, has taken place. Nevertheless, its advocates can appeal for support, to the testimony of most abundant experience and of most competent authorities.

That eminent observer, KING OSCAR OF SWEDEN, made this emphatic declaration, in his book, of deservedly world-wide renown, "On Punishments and Prisons" (Stockholm, 1840):—"Enlightened men, who have carefully studied the theory of the administration of prisons, as also those who have attentively followed it, practically agree as to the inapplicability of the idea of even classified association, with its *unavoidable* disadvantages. In the work of MM. Beaumont and Tocqueville, on the 'Penitentiary System in the United States,' to which" (continues King Oscar), "I shall often refer, it is said, 'The impossibility of devising a true classification of convicted criminals, is proved, with such mathematical certainty, that it ought to constitute the starting-point for all reform, with regard to the administration of prisons.'" In another part of his book, the royal writer again speaks of "the unhappy idea of classified association and its dreadful results."

In the English convict prisons, in recent years, some attempts at partial classification have been made; but, as was to have been expected, these have proved very inadequate to check the operation of mutual corruption amongst

the prisoners. An intelligent man, who had been an inmate of three of these establishments, said to the writer, not long ago:—"My convict life was a hell upon earth, through vile prisoners and spiteful warders. I complained of my associates and begged repeatedly for a cell, apart from them. This was refused, and I was told, 'That association, is a part of your punishment!'" But punishment, if just, will never be thus essentially debasing.

Whilst it is needful to avoid unduly pessimist or merely insular views of the penal systems of the world, and whilst it must be acknowledged that many of the existing prisons, in various nations, are at least models of cleanliness and order, and that more than a few of them also contain amongst their officers a considerable proportion of men and women of conscientious and humane dispositions, nevertheless attentive observers of these institutions will find very much to warrant the conclusion that there is a heavy preponderance of failure and of defect inseparable from imprisonment, even when organised under the *best* forms of classification hitherto attainable, but especially under the more common prevalence of promiscuous criminal association.

Facts are more eloquent than words. The penal experiences of all nations may be confidently appealed to, in this regard. What was the consequence of the practical adoption of the classified association of British convicts, under its most careful and limited form, as administered by that humane pioneer of the "progressive system," Captain Maconochie? Disastrous failure. What have been the net results of the association still prevalent in the majority of the prisons of France, that grand nation whose people are so ingenious and energetic? The answer is given by themselves, in the almost despairing legislation embodied in the "Récidiviste" Law, for the extension of penal deportation to the Southern Hemisphere, as a means to remove the superabundance of home criminality to other regions. And

in the French Senate, in 1888, M. Berenger specially attributed to the corrupting influences of prison association in France, even in spite of efforts at "classification," the melancholy result that the total number of imprisonments in that country had increased threefold in half a century, that is to say, from 41,000 in 1836 to 127,000 in 1888; and that in the same period the number of reconvicted criminals (récidivistes) had increased from 31 per cent. to 48 per cent. in regard to the class of the more serious offences, and from 28 to 43 per cent. in the minor descriptions. The Minister of the Interior, in reply, virtually admitted the validity of M. Berenger's argument in favour of cellular separation. Again, what has accompanied the all but universal adoption of congregate imprisonment, both classified and unclassified, in the United States of America? A steady increase in the proportion of crime to population and a shocking development of corruption, in the county jails especially. If we turn to Italy, the land which has furnished some of the most eminent and honourable leaders of penal reform, from Beccaria to Beltrani Scalia, and whose Government has given such cordial and generous co-operation to the promoters of International Prison Congresses, we find the existence of a more mischievous activity of the predatory and homicidal classes than in almost any other country, and a large prison population gathered into great gangs of mutually contaminating villainry. Even in mighty and learned Germany, with the most powerfully organised Government in the world, and with many able administrators, the prisons are still, in a large degree, schools of crime, as is sadly but honestly acknowledged by such high authorities as MM. Holtzendorff, Jagemann, Aschrott, and others. There was once a small band of wisely radical reformers of penal and social abuses in Germany, including King Frederick William IV. of Prussia and his trusty advisers, Dr. Julius and Dr. Wichern. These saw the primary importance of Religion

as a preventive and restorative influence, and also of the effectual separation of prisoners, as both a deterrent and a morally antiseptic essential; but even these eminent men met with such passive apathy, or active opposition, from their fellow-countrymen, that comparatively little of their desired improvements were ultimately secured. Germany has paid a heavy penalty for this disregard.

In 1888 there came from far-off Australia yet another striking confirmation of the views here expressed. In the preceding year the Commissioners, appointed by the Queensland Government to inquire into the condition of prisons in that Colony, issued their Report. In it they state (at page 14), "The associated system has been condemned on all hands. The evils attending it, as disclosed in the course of our investigations, are too great to permit of its being safely continued. It leads to insubordination, to conspiracies, to discontent, to vices of the most revolting nature; it increases the cost of administration; it prevents the possibility of reformation on the part of the convicts; it contaminates persons not wholly bad; in short, as was tersely put by a shrewd observer, it manufactures criminals." The Commissioners added some shocking particulars as to recent occurrences amongst male prisoners, in association, in that Colony. And in regard to the females, it is reported: "We confess we were hardly prepared for the terrible revelations made to us, as to what is possible in the associated wards, or cells. Apart from the vile practices and the awful language which are indulged in, there can be no doubt that improper influences are brought to bear on less hardened females, to abandon themselves to a career of immorality and crime, when they shall have obtained their freedom." (Report, page 50.) This dreadful condition of things shows the officially admitted results of associated imprisonment, in one of the youngest and most intelligent of the British Colonies.

Hence those Penologists, who entertain the most decided

objections to such a mode of criminal disposal, may abundantly justify their position, by an appeal to its general practical results. And, on the other hand, the countries where, as in England with its cellular Local Jails, or in Holland and Belgium, with their similarly organized central prisons, the separation of offenders from each other is best secured, or at least approximated to, these are also the nations where criminals are most effectually held in check.

But it is important to bear in mind that the very partial adoption, hitherto, of the Separate System, has but imperfectly manifested the efficiency of its ultimate tendencies and capacities. For this principle, when wisely administered, should involve, to an extent nowhere yet secured, a concurrent re-arrangement of SENTENCES. Under its extension, imprisonments will be, more generally and uniformly, *short but sharp*, more really penal, but more mercifully deterrent and reformatory; whilst free from many of the moral and economic objections attendant on longer and laxer detentions.

So far, then, as Prison discipline is concerned, the present work decidedly advocates the SEPARATE SYSTEM, but as administered on the moderate and judicious lines advocated by Suringar, Ducpetiaux, and others mentioned in the preceding pages.

But the exposition of Prison Discipline is only one department of Penological Science. Therefore it is another object of this work to show that prisons, in general, have been unduly and excessively resorted to, as means for the repression of crime, and that their efficacy, as such, has been immensely exaggerated, in comparison with other practicable methods of dealing with offenders.

Wise penal and preventive LEGISLATION is also of vast importance. And in reference to this department, the writer has invited further attention to the necessity for the enactment of laws securing, more systematically than here-

tofore, a REASONABLE CUMULATION OF PENALTIES, whilst permitting considerable elasticity to the functions of the officers upon whom devolves the duty of carrying these into execution. The element of CERTAINTY is of immense importance in penology; but, to secure it, there must of necessity be great patience and moderation in the gradation and cumulation of the sentences.

Progress in this department will, as it has been here urged, be greatly promoted by an increased resort to judiciously administered SUBSTITUTES FOR IMPRISONMENT, including conditional liberty or probation; sentences of liability to detention, but not necessarily involving that infliction; fines, and moderate corporal chastisements, as merciful and economical alternatives, in lieu of prolonged incarceration. In these matters, the present writer has united in the views approved by an increasing proportion of penologists.

In giving special prominence to the department of PREVENTIVE INFLUENCES, the author has had to range himself with a minority of writers on penal matters. For although it is universally admitted that "Prevention is better than cure," yet when we turn from the mere verbal acknowledgment, to the measure of practical adoption of this great principle, and when we peruse the majority of the Laws and Regulations emanating from the rulers and legislators of nations, and study the Reports of their executive officers, and even many, or most, of the standard works on Penology, it may justly be deemed matter for grave reflection and surprise, that comparatively so little prominence has been given, in these authoritative expositions, to the simple but powerfully preventive and restorative agencies of RELIGION and MORALITY, including, in particular, under the latter head, the wise encouragement of TEMPERANCE, CHASTITY, and THRIFT, and of such systems of general popular EDUCATION, as involve the training of children, both to self-supporting industry, and amid those harmo-

nious influences of piety which are fostered mainly by Denominational Schools, where the pupils are surrounded by arrangements and persons, adapted simultaneously to guard their liberty of conscience, and to prevent their faith from being needlessly assailed by jarring criticisms, or by infidel or immoral contamination.

It is to such constructive and preventive influences that the present volume is designed to offer special homage and advocacy. For the strongest motives to morality and the most powerful counteractives of vice, are to be found in those simple but mighty truths which bring home to the hearts of men a sense of the redeeming compassion and eternal majesty of God. The world's experiences, both negative and positive, have abundantly justified the wisdom of John Howard's favourite motto, "Spes mea in Christo;" as expressing the great fact that the surest hope for social progress, and for deliverance from crime and misery, is to be found in connection with the blessings of the Christian religion.

The Cross, the Chief Basis for Moral Restraint and Deterrence.

Howard, as one of the world's most eminent penologists and most practical philanthropists, adopted a thoroughly scientific basis, both for his Penology and his Philanthropy, when he placed his chief expectation on the only abiding foundation, the Lord Jesus Christ, as the great hope for individual and collective humanity. This great "Corner-stone" has far too frequently been disregarded by Politicians, Statesmen, and Social Reformers; and in consequence, their schemes and arrangements have often failed.

The best operations of civil Government and the most effectual means of preventing offences, restoring the erring, and promoting the happiest developments of social organization, must be, it is generally admitted, inseparably and

specially connected with a reverence for Law and Order, and with a wise combination of the influences of Fear and Hope, of Reward and Penalty.

But it is precisely and pre-eminently in the Gospel of Christ, that we find these powerful principles most authoritatively embodied and exemplified. For it reveals, with a clearness elsewhere unequalled, the absolute sovereignty of the perfect Moral Law of God; inasmuch as the vindication of the majestic inviolability of this, constituted the necessity for the atoning sufferings of the Redeemer, as the Incarnate Justice and Love of the Highest, "magnifying that Law and making it honourable."

Even the laws of human monarchs and States require to be maintained with unrelaxed power and sanction. If they can be set at nought, or transgressed with impunity, the authority of the ruler and the security of the people alike suffer. Much more, then, may we conclude that the Supreme Creator will not permit any of His Moral Laws to be broken or disregarded, without some effectual manifestation of majestic vindication. We see already, that in the case of His physical ordinances in outward Nature, any infractions of them are certainly and universally followed by penalty, or by proofs of their absolute dominion, in some form or other.

Neither in Nature, nor in Grace, does God pardon unconditionally the transgression of His laws, or permit their authority to be in the slightest degree impaired.

Some powerful motives to morality and virtue are afforded by that which has been termed "the religion of nature," through a contemplation of the impressive uniformity of the mighty forces of the physical creation, wherein, from the earliest ages of organic life and development, the Almighty has been revealing "His eternal power and Godhead." But never has there been any manifestation of the majesty of Divine law, so awful in its character, or of such tendency, in proportion as it is appreciated, to

produce efficient reverence and righteous fear amongst mankind, as the revelation embodied in the Cross of Christ. It is at once the most encouragingly attractive influence to the good, and the most alarmingly deterrent declaration of peril to the evil-doer, at any period visibly given forth. It abidingly proclaims the existence, in the Almighty, of certain attributes of permanent awfulness, which hold collateral influence with His compassion and love. It proves for evermore, that, "it is a fearful thing to fall into the hands of the living God," as irreverent and unrepentant transgressors.

The Holy Scriptures declare that "God, sending His own Son, in the likeness of sinful flesh, and for sin, *condemned* sin, in the flesh." This self-sacrifice of the Highest, in the Person* of Christ, rendered it compatible with the sovereignty of His own law of perfect sanctity, to pardon all humbly repentant sinners, even to the very uttermost; and so to afford them *honourable* access to Himself, in peace, and to the blessed influences of His own Spirit of immaculate purity. But the awful Sacrifice which thus combined the sublimest inflexibility of regnant majesty with an immeasureable tenderness of righteously paternal compassion, constitutes also a terrible forecast of irresistible chastisement impending over those who wilfully reject the humbling but gracious terms of acceptance and shelter, thus offered to them in the Gospel. The Epistle to the Hebrews predicts the "much sorer punishment" which must be undergone by those presumptuous souls who practically

* "PERSON."—Professor Max Müller and other writers have well shown that the original theological meaning of "Person" (from *persona*, a mask) did not imply separate individuality, but only a special or collateral *manifestation of the One*, undivided and unchanging identity, of the Eternal God. We must not regard Christ as a Being *other* than the Deity, selected as an innocent *creature* to bear penalty. No! The Highest vindicated in His *own* incarnate Person, the majesty of His own Law.

"count the Blood of the Covenant, wherewith they were sanctified, an unholy thing, and do despite unto the Spirit of grace." And it is very significant that the Apostle Peter, who writes so much respecting the sufferings of Christ, points to these as furnishing, not only a special cause of reverence on the part of good men, but also a sure and certain ground of terror to the wicked. He exhorts: "Pass the time of your sojourning here *in fear;* forasmuch as ye know that ye were not redeemed with corruptible things, but with the precious blood of Christ." And he further adduces the solemn thought, that if even the righteous are only granted pardon and safety, in consideration of the Redeemer's law-honouring sufferings, "where shall the ungodly and the (unrepentant) sinner appear?" The future punishment of such is thus proclaimed to be alarmingly certain, on the ground of God's manifestation of truly merciful justice, with the absolute inviolability of His moral ordinances.

For "the Reign of Law" is universally manifest. Not only is it everywhere witnessed by physical science, that great handmaid of religion, and humble servant of the Almighty; but it evidently pervades the realm of spiritual and even of supernatural influences. It holds its sway in the grand regions of Miracle and Prayer, as reverently perceptive souls have clearly seen. And the Holy Scriptures themselves have their truest and most unassailable interpretation, when read in the light of God's ordinary laws of gradual, mental, moral, and personal development, which He does not set aside, or dishonour, even when qualifying His servants for the functions of Prophecy and Inspiration.

Perhaps one of the chief and most widely prevalent obstacles to the extension of a world-wide, willing reverence for this Divine government, has been furnished by the promulgation of extreme and unscriptural dogmas, in relation to a presumed "*endless torment*" of the wicked, as

distinguished from a fair and reasonable interpretation of the whole scope and spirit of the New Testament, respecting "everlasting punishment" in its original, literal sense of "æonian," or "age-lasting" chastisement, for finally restorative and beneficent purposes; and as it is also expressed by the plain, unquestionable meaning of "damnation," as derived from the Latin word *damnum*, signifying *loss*, or diminished advantage, or *forfeited privilege*, after a full and just judgment of all the circumstances of offending beings.

Only the worst of human miscreants would, if it were possible, deliberately roast alive, for a few hours, an offending dog, cat, or even tiger. How, then, is it credible that the God and Father of infinite justice and love, will torture any of His poor human family, to say nothing of the great majority of them, in agonizing flames of fire, for ever and ever? This awful dogma has generally and increasingly failed, as a popular deterrent and restraint from evil. It has even suggested an object for the most common and contemptuous forms of swearing and scoffing, amongst the worst classes of mankind. It has revolted the hearts and consciences of the best men and women; and, as authoritatively promulgated by some churches, it has driven multitudes of the most earnest and thoughtful persons into infidelity.

But, in particular, it has produced most mischievous and demoralising influences, by leading to reactionary views in the opposite extreme. For it has urged myriads to the false conclusion that, because God is too merciful to punish, in such infinitely disproportionate degree, the results of naturally inherited infirmity, operative as only through "one inch of time"; therefore, He must also be so lax in His moral administration, and so indifferent to His supreme honour and dignity, as Sovereign Lawgiver of the Universe, as not to visit with an adequately repressive and effectively restorative chastisement, the conscious violation

of His ordinances, and the irreverent disregard of His Divine Majesty.

Hence, for example, the ultra-Calvinism of New England has promoted, in the same region, a pernicious activity of an extreme and one-sided "Universalism," which ignores both the inviolability of God's law and its indispensable vindication, through the incarnation and self-sacrifice of the Highest in Christ, as His own condescending manifestation, in this world of humanity. This system of moral negation encourages vicious laxity and irreverence.

But very different is the salutary and awe-inspiring tendency of that Scriptural Universalism which, whilst it diffuses a glow of well-grounded hope over our views of the ultimate destiny of all the dead and all the living, is accompanied by the solemnising influence of a full recognition of God's visible law of just retribution and reasonable enforcement of human responsibility, here or hereafter. This conclusion does not discourage philanthropic or religious efforts. On the contrary, it tends to stimulate activity in the home and foreign Mission field, and in public and private Evangelisation, by its collateral and implied recognition of the claims of Christ's love upon grateful, volitional effort of every kind. And further, it is in harmony with, and fostered by, the other evidences of the comprehensiveness and continuity of Divine law, which lead us to infer that, as in all the past, so in all the future, He will work out His beneficent purposes, of the moral and spiritual elevation of the human race, mainly by the gradual, patient, soul-winning influences of loving instrumentality, developing, by means of humble, prayerful activity, blessings both to the agents and objects, of such intelligent service. The past teachings, both of history and of revelation, confirm us in this conclusion, that it is by such willing and gentle, moral ministry, that the Most High is likely, for the most part, evermore to carry on His soul-elevating work; and only under very exceptional

circumstances, by means of startling interpositions of supernatural force, or by the sudden development of overpowering crises. As in the Geological Ages, it is very gradual change which has been the prevalent rule, and disturbing cataclysms the temporary exceptions; so, by analogy, in the realms of grace, the love-attracting, mild and patient influences of the Lord Jesus Christ and His Holy Spirit, are the powers to be chiefly looked to, for the everlasting moral development of souls. "Not by might, neither by power, but by My Spirit, saith the Lord of Hosts."

The earlier Christian Fathers, as Clement of Alexandria, Origen, and even Athanasius, during the purer ages of Primitive Catholicity, as distinguished from the periods of the subsequent innovations, of rigid Augustinian Romanism, and narrow Calvinism and Puritanism, were characterised by a far more genial, just, and hopeful faith, as to the destiny of mankind, than their successors in the councils of the church. Augustine of Hippo, who is so specially responsible for the general and authoritative diffusion of the dogma of "eternal torment," exemplified, in his own conduct, its hardening and demoralising tendency; as, for instance, in his cruel and vicious abandonment of the affectionate mother of his child, his virtual wife, in the Divine sight. But later on, when the heart of the priesthood became, in a large degree, petrified by these rigid teachings, as to the general and final reprobation of mankind, and when the clergy, as a body, became more or less indurated in feeling, through the operation of their own enforced disobedience to the natural and Divine law of marriage, these perversions of doctrine and practice cumulated in the awful Inquisition and its extreme blasphemies against Christ. It was no mere poetic licence which prompted Sir Walter Scott, for example, to depict, in "Marmion," the mode of death inflicted, by a brutalised sacerdotalism, upon poor Constance

at Holy Isle. For, to this day, especially in various parts of the European Continent, remain the sickening signs and incontrovertible evidences of the revolting cruelties long inflicted, upon myriads of the very best of men and women, by the special teachers of the dogma of eternal torment. They sought, as far as practicable, to illustrate and initiate its agonies, in their own secret chambers, subterranean dungeons, and shambles of human butchery.

Still and abundantly, the traveller meets with visible evidences of the immeasurable agony, which, for long ages, characterised the priestly administration of the rack, the stake, the red-hot pincers, the wallings up and buryings alive, the scaldings to death, the mutilations, the impalements of the innocent upon sharp spikes and knives in dark, deep pits, or between the crushing arms of "the Virgin's embrace," in those hideous dens of appalling wickedness. The black dungeon, with depth beneath depth, in many feudal castles, tends to produce a shudder in the observer. The torture chambers of mediæval civilian administration, as still to be seen at Nuremberg, reveal worse proofs of cruelty. But the most appalling and most numerous evidences of penal or persecuting atrocity, are associated with the ecclesiastical Inquisitions of Spain and Italy. These, especially, tended to brutalise the prison administration of Europe for centuries; and indeed their indirect influence is still visible in some of the establishments, institutions, and practices, connected with the world's Penology, down to the present moment. It would need but brief time to demonstrate that these horrors of the Inquisition, and of ancient secret Imprisonment, were amongst the logical consequences of the dogma of "eternal torment," united with the assumption of the right of persecution for differences of religious opinion. For the same influences were manifest in Protestant professors of the same belief; as in Henry the Eighth, in whose reign 60,000 persons were executed; and in many Calvinists and Puritans, in so far as their com-

paratively limited powers of authority enabled them to act similarly. Thus Calvin, himself, promoted the burning of Servetus; Puritans hanged Quakers in New England; Scotch bigots of the iconoclastic Knoxian era, and later, manifested such a hard and persecuting spirit, as to lead Milton to declare that "New Presbyter is but old priest writ large"; and that grimly pious Calvinistic leader, Dr. Cotton Mather, superintended the execution, in one day, of five unfortunate wretches charged with witchcraft. But all such professed Christianity was diametrically opposed to the example and teaching of the Divine Founder of the Church.

In our more enlightened age, perhaps the strongest disproof of the dogma of "eternal torment" is afforded by the lives of those very persons, as a class, who most emphatically profess to believe it. For these, as with one voice, nullify and contradict in action, their own profession. They enjoy life and prosperity as cheerfully as any other persons, and participate, with as keen a zest as any, in the comforts, luxuries, and festivities of existence. They happily marry, and beget large families; whilst some of the most prominent amongst their number, achieve a notoriety even as pulpit-jesters. But such easy, joyous existence is utterly incompatible with any genuine belief in the general consignment of mankind to hopelessly unending burnings. None who really held that dogma, could live in criminal disregard of all the souls in such tremendous peril. Yet only at rare intervals, has the world seen some honest and approximately consistent advocate of that view, whose life confirmed his opinion; as, for instance, such zealous souls as Brainerd, Carey, and Martyn, quitting life's ease and rest, to agonise, till the last breath, for the salvation of a world, whose Divine Disposer, even these good men virtually held, to be less merciful than themselves.

This dogma is now increasingly rejected, by the churches, and especially denied, in practice, by its own professors.

It has flagrantly failed to become an effectual moral restraint, either from sin against God, or from crime against man. On the contrary, it has led millions to blaspheme the former and thousands to torment the latter.*

* MISSIONS AND MORALS.—Some devoted Missionaries have reiterated the precept that unless the eternal torment of the heathen be accepted as an article of belief, the most powerful stimulus to Evangelistic effort will be missed. And others have, on this very ground, charged with cruelty the holders of the "larger hope." But such statements are made at the expense of the Divine glory and justice. A Quaker Missionary, Stephen Grellet, being in the vicinity of a great battle whilst the action was going on, felt an agony of anxiety in regard to the future destiny of so many poor soldiers thus being hurried into the presence of God. Whilst prayerfully exercised on their behalf, a question, which the good man received as of Divine suggestion, came with sudden power and restful comfort into his soul—"Is My compassion *less* than thine?" At the World's Mission Congress, held in London, in June, 1888, eloquent appeals were based on the assumption that innumerable thousands of millions of men have utterly "gone to perdition," for lack of missionary zeal and funds. But the best and sufficient basis of such effort rather consists in grateful love to Christ, leading to blessed co-operation with His permanent law of the gradual development of spiritual life, through instrumental but willing means. It is a glorious work to hasten His Kingdom, to *extend* His sway, to co-operate with and humbly contribute to consummate His loving purposes, with a devotion which brings rich *rewards* to the labourers.

There is ample incitement to Christian Missions, furnished by the obvious miseries inseparable, even in this life, from all creeds destitute of Gospel light and love. For example, there are the immeasurable sufferings and degradation of women, everywhere accompanying Polygamy, even amongst the comparatively intelligent votaries of Islam and Buddhism. Before Carey came to India, 1,400 widows were annually burned, or buried alive, in Bengal alone. And still, the young Hindoo wives and widows suffer great cruelties, as a direct consequence of their Pagan system. Buddha has been styled "the Light of Asia!" But how dim and mournful must be the "light" of his followers, when their best and highest hope, for the Future, offers them nothing better than the laborious ultimate attainment of a joyless "Nirvana," or virtual annihilation!

And again, as to MORALS, whilst certain future retribution is to be

Far otherwise is the holy tendency of the preaching of the Cross of Christ, as the great basis for fear, on the part of wilful sinners. For that Cross proclaims the certain and inevitable, but truly just vindication, of God's uncompromising Moral Law, either through pardon to the sincerely repentant transgressor, in consideration of the boundless merits and preciousness of Christ's sacrifice of Himself, or by its contemplation and appreciation, through the discipline of chastisement upon the persistently disobedient, which, it may be believed, will be unsparingly continued, with all needful measure of duration and intensity, until heartfelt submission and permanent developments of contrition are effectually secured in their subjects. This is a conclusion which derives support, both from reason and from Holy Scripture. It is increasingly finding salutary access to the hearts of men, and it may be expected to become a more and more powerful restraint from evil, throughout the world.

Christ the Hope of the World for Virtue and Happiness.

But not only is the Cross of Christ the truest ground of wholesome fear, amongst individuals and communities; it also furnishes the brightest and surest source of hope and virtuous encouragement to our race. For it conveys the proof of the infinite love to man, shown by the God of immaculate holiness. The Incarnation was (as the poet

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dreaded and proclaimed, for sins of Impurity, for example, yet impressive restraints may be derived from a consideration of the present actual results of licentiousness, and the awful injuries which it often inflicts both upon the innocent and the guilty. The *Lancet* and other medical authorities have recorded shocking instances in which, even ten or twenty years after a husband's early sin, in this direction, the consequences of that transgression have, by means of the terribly enduring influences of syphilitic infection, cruelly wrecked the health, ruined the bodies, and desolated the lives, of the innocent wife and children.

HAWKER, of Morwenstow, has concisely expressed it) that exceeding gift of Divine Grace :—

> "Where woke to breath and beauty, God's own birth,
> *For men to see Him by.*"

The previous revelations of the Highest, whether in outward nature, or by comparatively vague spiritual impressions, had neither adequately manifested the depths of sacred sympathy existing in the Supreme Father, nor awakened in men's hearts a vivid sense of humble but filial relationship to Him. As MACAULAY has remarked, "God, the uncreated, the incomprehensible, the invisible, attracted few worshippers. A philosopher might admire so noble a conception; but the crowd turned away in disgust, from words which presented *no image* to their minds. It was before Deity embodied in a human form, walking among men, partaking of their infirmities, leaning on their bosoms, weeping over their graves, slumbering in the manger, bleeding on the Cross, that the prejudices of the Synagogue, and the doubts of the Academy, and the pride of the Portico, and the swords of thirty Legions, were humbled in the dust."

And this "express *Image*" of the Divine Personality, once revealed, is never to be withdrawn from manifest existence. As the all-victorious Redeemer, He lives on, for ever, in His risen "spiritual Body," whence He irradiates, by the vitalising energies and individualising visitations of His Holy Spirit, the hearts of His believing children, one by one, thus granting to their souls the inestimably precious gift of separate, loving recognition. Even the old Pagans craved and earnestly sought such private and distinguishing links between themselves, their homes, and "the Immortal Gods." Hence their "Lares and Penates," their "Household Deities." Such aspiration was a measure of the natural desire, which springs up, in every earnest heart, for an abiding communion, special

to itself, with the Divine and Everlasting Father of Humanity. And He, having honoured in His own incarnate Person, the claims of His awful majesty of Supreme Sovereignty, then opened, freely and without limit, the measureless resources of His love to men, not only collectively, but separately. Hence, from the Holy Risen Christ flow forth, for ever, the blessed emanations of the Eternal Spirit, shining into each heart and bringing there also the growing impress of His Image, with His light and sunshine of celestial fire. This priceless gift of the individualizing manifestation of Christ, spiritually, brings into each soul, singly, a treasure, as of home sweetness, which shall never experience the bereavement of the beloved object. It kindles a glow as of a paternal and private fireside, which shall never be quenched. And it tends, by similar links, with the beloved souls of kindred and of others, to reunite, in indissoluble brotherhood, the members of the one "whole family in Heaven and in Earth."

But to individuals and to the race, these unspeakable blessings are communicated, as is God's way generally, by gradual development. This is to be prepared for, and patiently wrought out, in the first place, by the calling and training of the Christian Church and its elect members, even that body of chosen and disciplined souls, to whom, in every age, the Holy Spirit has granted special visitations and peculiar privileges, not for any private merit or selfish interest, but for present or ultimate service to their fellow-creatures. For Divine Election is a great and blessed historic fact, although Calvinistic "Reprobation" is a pernicious delusion.

The Incarnation of Christ manifests God's justice and fairness, in taking into full consideration not only the demands of His own Law of spotless sanctity, but also the natural claims, upon His compassion, of every human being, as inheriting, from the First Adam, inevitable tendencies either to actual sinfulness or to moral disinclination

and weakness, in consequence of which men are universally born, as on to an inclined plane, and not placed in a position where it is, from the first, possible for them to make an unbiassed choice of virtue, or to tread the path of right with equal facility with that of evil. The Apostle Paul, in whose thirteen inspired Epistles there is not a single reference to "eternal torment," again and again declares, and even five times in one chapter, that Christ the Second Adam, shall "much more" than make ultimate "restitution of all things," not only to the few, the Church of the First-born, to whom distinctive favours have been given for the subsequent benefit of others, but also finally to "the many" universally. For, as he again records, Christ is "the Saviour of all men; *specially* of those that believe." And we may trustfully expect, for all, everlasting developments of "the manifold wisdom of God, according to *the eternal purpose*, which he purposed in Christ Jesus our Lord." (Eph. iii. 11.)

John Howard was but one of myriads to whom a hope centred in Christ has been the great sustaining power of life, and the chiefly animating impulse of beneficent action. A similar hope has generally characterised the good men and women who have been the chief instruments in efforts for the diminution of Crime, Sin, Poverty, Slavery, and Wretchedness; such as the Suringars, Buxtons, and Wicherns; the Clarksons and Wilberforces; the Borromeos, Fenelons, and Vincents de Paul; the Andrew Reeds, George Peabodys, and Samuel Morleys, of the world. These, and innumerable others, of noble efforts and aims, have, for the most part, based their lives upon definitely Christian principles and hopes. A recent writer, "Mark Rutherford," has well observed: "Jesus was the first who ever cared for the people—for the poor, the ignorant, the fools, the weak-minded, the slaves. The Greeks and Romans thought nothing of these." And the history of *true* Christianity has been the history of *real* Philanthropy.

Hope in Christ is the soul of Philanthropy and of individual, national, administrative and penal amelioration. It is the great stimulus to beneficent effort, whether in Social Reforms at home, or Missionary Evangelization abroad; because it involves the promise of the *highest* rewards—those of Christ's everlasting love and *peculiar* favours—to the persons who, in whatever sphere of life or action, become His willing instruments, in His own great work of the permanent education and moral development of the human race. This, we may infer from past and present experiences and analogies, will be always carried on, chiefly by His servants; of each of whom, however humble, it may still, for gracious purposes, be declared, "The Lord *hath need* of him." For God's modes and laws of operation everywhere appear to be persistent. And as He has, in general, wrought out His dispensations amongst humanity, by prayerfully dependent instruments and reverently volitional agents, so may it probably continue, through the unending Future. To this principle, so stimulative of useful and happy activity, seem applicable the familiar words, "As it was in the beginning, is now, and ever shall be."

Hope in Christ is as sunshine to the race and to the individual. But to what similar hope, light, or power, can the unscientific Agnostic, or the vaguely credulous Positivist, point mankind? These turn us but to blanks or failures in the present, and to dense clouds in the future; to no effectively victorious influence over evil, and to no animating relief from despair and gloom. But the Christian is furnished with the grandly scientific basis of innumerable historic verifications and personal experiences of the fruitful power of the love of the Lord Jesus, in moulding the best lives and in overcoming, throughout the world, obstacles otherwise insuperable. Even in modern missionary successes alone, as for example, in China, Burmah, India, Africa and elsewhere, the initial triumphs

of Christianity, through the labours of a very few and very feeble instruments, prayerfully leaning on God's Spirit, have effected results in the reclamation of criminal, vicious, and miserable lives, and in developments of social progress and civilization, as marvellous as any miracles recorded of old time, and as demonstrable, in point of fact, as any matters of physical or mathematical science.

This great spiritual force ever advances to victory. It was never more widely diffused, or more hopefully active, than it is to-day. The present, more than any preceding century, is "the Age of Saints," notwithstanding various and vigorous collateral operations of evil—operations, it is to be noted, which are in large degree being overruled, even already, for benevolent ends, through the moral discipline for which a certain antagonism and contrast appear to be essential concomitants. Hardly one, if any, of the departments of the Christian Church, has any reasonable ground for regarding its human Fathers and Founders as having been better, or more privileged, than its existing members. To all Churches and to every Christian, the Lord still proclaims, as hopefully as to the Jewish remnant in the days of Haggai, and indeed, incomparably more so now, "My Spirit *remaineth* amongst you." The voice of the Pessimist, or of the Agnostic, is the cry of the blind. Christianity is manifestly destined to magnificently progressive developments, throughout the boundless ages.

John Howard had been trained in that Calvinistic or Puritan theology, which, whilst it bears a noble testimony to the Majesty of the Divine Sovereignty and Foreknowledge, and to the great fact of moral Election, yet grievously ignores, or misrepresents, the highest of God's attributes, His Love, His true Justice, and His sympathizing Fatherhood. Howard's measure of hope was sufficient to animate him to a large service for humanity. But more of spiritual sunshine and of happy geniality might have brightened

both his own life and that of his poor son, if they had been educated in that "larger hope" of the final universal triumph of God's redeeming love, which many of the best Christians have entertained, as, for example, such eminently holy men as Origen, William Law, Pastor Oberlin of the Ban de la Roche, Thomas Erskine of Linlathen, and an increasing multitude in our own day.

And have we any reason, even for limiting this God-glorifying hope, to our own race, or world? As Dr. Chalmers and others have reminded us, Astronomical Science furnishes some suggestive indications to spiritual faith. The expanses of undefined but manifestly luminous Nebulæ, in the heavens above us, afford intimations of vast extensions of Light, Life, and Law, beyond the resolving reach of the most powerful telescopes. And, by analogy, the historic and present certainties of Divine Grace, in Christ, offer also some appreciable support to a trust that, throughout the countless orbs of the Universe, both visible and invisible, the sanctifying love of the Eternal Father, in the unchanging identity of His omnipresent Spirit, may hold sublime sway.

Whether this beneficent moral dominion may there select for its channels, further Incarnations of the undivided Personality of the One God, to be manifested, either simultaneously or successively, in the millions of worlds separately, we have at present no certainty of knowledge. But we have much more than a basis of mere conjectural supposition, for indulging the animating hope that the boundless heights, depths, and breadths of the Divine Glory, may ultimately include dispensations and everlasting developments, of righteousness and happiness, for every intelligent being, throughout the illimitable Creation.

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